

**General Assembly
Security Council**

Distr.: General
16 April 2004
English
Original: Arabic/English

General Assembly
Fifty-eighth session
Agenda item 37

The situation in the Middle East

Security Council
Fifty-ninth year

**Letter dated 15 April 2004 from the Permanent Representative of
Lebanon to the United Nations addressed to the Secretary-General**

On instructions from my Government, I include here below a summary of Israeli violations and acts of aggression against Lebanon, as follows:

Between 1207 and 1500 hours on 4 April 2004, an Israeli reconnaissance aircraft overflew the sea off Sidon at medium altitude and circled over the regions of Sa'diyat and Tyre, thus violating Lebanese airspace.

At 1130 hours on 7 April 2004, two Israeli helicopters overflew the occupied Shaba' Farms at medium altitude.

At 2045 hours on 10 April 2004, two Israeli helicopters overflew the occupied Shaba' Farms at medium altitude.

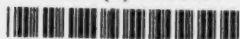
At 1615 hours on 11 April 2004, an Israeli reconnaissance aircraft overflew the sea off Tyre at medium altitude and circled over the regions of Tyre and Damur, thus violating Lebanese airspace.

At 1915 hours on 12 April 2004, an Israeli reconnaissance aircraft overflew the region of Jazzin at medium altitude, thus violating Lebanese airspace.

Between 0030 and 0100 hours on 13 April 2004, an Israeli reconnaissance aircraft overflew the region of Jazzin at medium altitude, thus violating Lebanese airspace.

Between 1100 and 1125 hours on 13 April 2004, six Israeli military aircraft flying at various altitudes violated Lebanese airspace; four of them overflew the sea off Tripoli and then headed towards the region of Diniyah and two of them overflew the sea off Shakka and then headed eastwards.

Between 1842 and 2209 hours on 13 April 2004, an Israeli reconnaissance aircraft overflew the sea off Sidon at medium altitude and then headed eastwards and circled over the regions of Jazzin-Shatura-Hamana and Shuf, thus violating Lebanese airspace.



Between 1915 and 2050 hours, an Israeli reconnaissance aircraft overflew the region of Jazzin at medium altitude, thus violating Lebanese airspace.

These grave violations are part of a continuous series of provocative Israeli violations of Lebanese airspace and territory in contravention of the principles of international law and the resolutions of international legitimacy, such that the Secretary-General of the United Nations has repeatedly called for their cessation.

In view of these violations and the stepping-up of Israeli threats to Lebanon and the safety of its territory and its citizens, Lebanon calls upon the Security Council to deter Israel from such grave acts, which constitute a threat to international peace and security. Israel must assume full responsibility for the repercussions and consequences of these acts.

In drawing your attention to the gravity and possible consequences of such acts, I request to have this letter of complaint circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(Signed) Sami Kronfol
Ambassador
Permanent Representative

**Security Council**

Distr.: General
16 April 2004
English
Original: French

Letter dated 17 March 2004 from the Secretary-General addressed to the President of the Security Council

I wish to apprise you of the activities that have been undertaken by Cameroon and Nigeria through my good offices and with the assistance of the United Nations Secretariat with a view to facilitating the implementation of the ruling of the International Court of Justice of 10 October 2002 on the land and maritime boundary between these two countries.

It should be recalled that, in anticipation of the Court's ruling and in an effort to secure both countries' prior commitment to the implementation of the expected decision of the Court on their boundary dispute, President Paul Biya and President Olusegun Obasanjo met in Paris on 5 September 2002, at my invitation and in my presence. In a press release issued at the end of the meeting, both heads of State agreed to respect and implement the Court's ruling and to establish an implementation mechanism with the support of the United Nations. The two Presidents also agreed on the need for a number of confidence-building measures aimed at strengthening overall ties between their two countries.

Following the Court's announcement of its ruling on 10 October 2002, I invited the Cameroonian and Nigerian Presidents to a second tripartite summit, which was held under my auspices in Geneva on 15 November 2002, to agree on the implementation mechanism and on confidence-building measures to be put in place to facilitate the implementation of the Court's ruling. In a joint communiqué issued following the meeting, both heads of State renewed their commitment to renounce the use of force in their bilateral relations and to strive to settle their boundary disagreement by peaceful means. In order to move forward on the implementation of the Court's decision, both heads of State requested me to establish a Mixed Commission, to be chaired by my Special Representative, Mr. Ahmedou Ould-Abdallah.

The Cameroon-Nigeria Mixed Commission was mandated to consider the implications of the Court's decision, including the demarcation of the land boundary between the two countries; making recommendations on additional confidence-building measures such as the development of projects to promote joint economic ventures and cross-border cooperation; troop withdrawal from relevant areas along the land boundary; eventual demilitarization of the Bakassi peninsula, with the possibility of deploying international personnel to observe the withdrawal; and reactivation of the Lake Chad Basin Commission, a five-nation structure of which



Cameroon and Nigeria are leading members. The Mixed Commission meets bi-monthly, alternately in Yaoundé and Abuja.

At its first meeting, held in Yaoundé in early December 2002, the Mixed Commission agreed to establish a subcommission with responsibility for the demarcation of the land boundary between the two countries. The subcommission, which consists of legal experts and cartographers from the two parties and the United Nations, held its first meeting in Geneva in January 2003. The subcommission reports back on its work to the Mixed Commission's bi-monthly meetings.

As mandated, the subcommission on demarcation has prepared a small-scale map indicating the boundary and a work programme for the demarcation exercise, which was approved by the Mixed Commission at its second meeting, held in Abuja in February 2003. The demarcation exercise is expected to last approximately 96 weeks.

The Mixed Commission, which reaffirmed its commitment to guarantee the rights of all people affected by the Court's decision, both Cameroonians and Nigerians, has established a subcommission on affected populations. At its eighth meeting, held in Abuja on 10 and 11 February 2004, the Mixed Commission decided that the subcommission on affected populations should undertake an additional visit to the land boundary area, which will be followed immediately by a field visit to the Bakassi peninsula in February and March 2004. In February, the subcommissions on affected populations and on demarcation carried out a field visit to the southern part of the land boundary between Cameroon and Nigeria. From 24 to 28 February, the group visited the Bakassi peninsula.

At the Abuja meeting, the Mixed Commission also decided that it would carry out field visits to the land boundary area and the Bakassi peninsula itself in March 2004. In addition, the Mixed Commission considered the issue of the maritime boundary, including a proposal to set up a subcommission on this matter. It decided to establish a working group, to be composed of five experts each from Nigeria and Cameroon, along with United Nations experts, in order to make a preliminary study and submit recommendations. In particular, the working group is expected to propose a delineation of the maritime boundary in conformity with the course determined by the International Court of Justice and to produce a map on that basis.

To promote confidence-building, the Mixed Commission has also identified possible projects to promote cross-border cooperation and joint economic ventures, the implementation of which could benefit the population in the area. These include the reactivation of the Lake Chad Basin Commission.

The progress achieved so far by the Mixed Commission since its first meeting, in December 2002, is commendable. In addition to the various structures outlined above, the Commission has adopted a detailed work plan for the period to 2005. One of the most important tasks carried out by the Commission was the successful completion of the withdrawal of and transfer of authority from the civil administration and military and police forces in the Lake Chad area, which took place in December 2003. Nigeria handed over 28 villages to Cameroon, while Cameroon transferred one village to Nigeria. On 16 December, the Mixed Commission Chairman, Mr. Ould-Abdallah, presided over formal ceremonies to mark the handover, in the presence of the heads of both countries' delegations,

namely, Mr. Amadou Ali, Minister of Justice of Cameroon, and Prince Bola Ajibola, former Minister of Justice of Nigeria.

To consolidate the withdrawal and transfer of authority in the Lake Chad area, the Mixed Commission decided to establish an observer personnel group there for a period of one year, composed of five members each from Nigeria and Cameroon, as well as five representatives from the United Nations.

I welcome the progress achieved so far, which has proved that neighbouring States can, with minimal United Nations support, work together to prevent a border conflict and settle their differences peacefully. I wish to stress that such progress has been greatly facilitated by the leadership and firm personal commitment of President Biya and President Obasanjo, as well as their high-level representation on the Mixed Commission. This was evidenced in particular by the contributions made by the two countries of \$3 million each to the United Nations trust fund for the financing of the demarcation process, which has approximately \$12 million. The European Commission has agreed to allocate 400,000 euros for the demarcation exercise. Other donors have expressed willingness to contribute to the trust fund established for this exercise.

Furthermore, I am pleased to inform you that at a third tripartite summit between President Biya and President Obasanjo, held in Geneva on 31 January 2004 under my auspices, the two leaders reaffirmed their commitment to implementing the agreed work plan of the Mixed Commission in good faith and in the interest of peace and stability, not only in their countries but also in the subregion. In addition, they agreed to strengthen confidence-building measures through an exchange of ambassadors, the opening of consulates along their common border and the introduction of joint patrols by their respective security forces.

Both heads of State also agreed to consider concluding a treaty of friendship and non-aggression between their two countries. They decided that the Joint Commission, a long-standing bilateral mechanism for cooperation, would meet at a higher level and on an annual rather than biannual basis. They renewed their commitment to take appropriate measures to guarantee the security and welfare of the populations affected by the decision of the International Court of Justice in areas under their respective sovereignty. Both leaders agreed to meet again under my auspices in due course to review the ongoing process.

The total amount of resources required for the demarcation exercise and for the funding of the activities of the United Nations support team to the Mixed Commission until the end of 2005 is estimated at \$25 million, including \$12 million for the demarcation and \$13 million for support to the Commission. As indicated above, Cameroon and Nigeria have already contributed \$3 million each to the United Nations trust fund for the financing of the demarcation process. The outstanding balance of \$6 million to finance the demarcation process would be met from voluntary contributions.

It should be noted that the activities of the United Nations support team to the Mixed Commission have so far been funded through ad hoc arrangements, with extrabudgetary resources being used for its 2003 operations. It was understood that these ad hoc arrangements could not continue after 2003. In view of the significant progress achieved so far, and in order to ensure the successful completion of the implementation of the Court's ruling, it is vital to secure the estimated funding

needed — \$13 million — to enable the United Nations to continue to support the Mixed Commission until the end of 2005. It is therefore my intention to seek such funding from the regular budget.

I should be grateful if you would bring the content of this letter to the attention of the members of the Security Council.

(Signed) Kofi A. Annan

**Security Council**

Distr.: General
16 April 2004

Original: English

Letter dated 15 April 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 17 March 2004 (S/2004/298) concerning your intention to continue the activities of the United Nations support team to the Cameroon-Nigeria Mixed Commission with funding from the regular budget has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and the intention expressed therein. They urge the parties to the Mixed Commission to work with international donors to seek further voluntary contributions.

(Signed) Gunter Pleuger
President of the Security Council



**Security Council**

Distr.: General
16 April 2004

Original: English

Report of the Secretary-General on Haiti**I. Introduction**

1. The present report is submitted pursuant to Security Council resolution 1529 (2004) of 29 February 2004, especially paragraphs 3 and 4 thereof, and taking into account its paragraph 10. In paragraph 2 of the resolution, the Council authorized the deployment of a multinational interim force (MIF) for a period of not more than three months. The Council further declared its readiness to establish a follow-on United Nations stabilization force to support continuation of a peaceful and constitutional political process and the maintenance of a secure and stable environment in Haiti. The Council also requested that I submit, in consultation with the Organization of American States (OAS), recommendations for the size, structure and mandate of such a force, including the role of international police and means for coordination with the OAS Special Mission, as well as elaborate a programme of action for the United Nations to assist the political process, support humanitarian and economic assistance and promote the protection of human rights and the development of the rule of law in Haiti. Furthermore, the Council called upon the international community, in particular the United Nations, the OAS and the Caribbean Community (CARICOM), to work with the people of Haiti in a long-term effort to promote the rebuilding of democratic institutions and to assist in the development of a strategy to promote social and economic development and to combat poverty.

2. In order to prepare the relevant recommendations, I dispatched a multidisciplinary assessment mission to Haiti, led by Hocine Medili and working under the auspices of my Special Adviser, John Reginald Dumas, to gather the necessary information on the ground. The mission began its work in Port-au-Prince on 11 March 2004, and comprised representatives from several Secretariat departments and United Nations agencies, funds and programmes. My Special Adviser arrived on 15 March. Meetings were held with the interim President of the Republic of Haiti, Boniface Alexandre, the Prime Minister of the transitional Government, Gérard Latortue, other members of the transitional Government, the Director-General of the Haitian National Police and other relevant stakeholders in Haiti, including civil society actors and political groups, as well as with the United Nations country team, the OAS Special Mission, the MIF and the wider diplomatic community. In addition, my Special Adviser consulted with the OAS, CARICOM and other relevant stakeholders in New York, Washington, D.C., and Kingston,



Jamaica. In addition, he attended the Interessional Meeting of the Conference of Heads of Government of the Caribbean Community, held on 25 and 26 March.

3. The scope of the work of the assessment mission was affected by two main factors. First, the transitional Government was installed only one week after the mission's arrival, thus limiting the possibility of regular and in-depth interaction with the Haitian authorities who were focused on immediate needs. Secondly, security conditions permitted only limited visits to areas outside the capital (Cap-Haïtien, Les Cayes and Gonaïves).

4. In submitting the assessment and the recommendations hereunder, I am mindful of previous international involvement in Haiti. In February 1993, the joint United Nations-OAS International Civilian Mission in Haiti was deployed. The Security Council in its resolution 940 (1994) authorized the deployment of a 20,000-strong multinational force to facilitate the prompt return of the legitimate Haitian authorities, maintain a secure and stable environment in the country and promote the rule of law. The multinational force was followed by other United Nations missions from 1994 to 2001. Furthermore, the international community mobilized important resources to alleviate the humanitarian situation and contribute to the development of Haiti.

5. Throughout this period, there were a number of positive developments, including the restoration of some measure of democracy, with the first peaceful handover of power between two democratically elected presidents; the growth of a multifaceted civil society; and its increasing involvement in the development of a political culture based on democratic values. There were, however, also setbacks. Owing to the continuing political crisis and concomitant lack of stability, serious reforms never took hold. The consolidation of a genuine democratic system did not occur; self-sustaining and effective institutions at all levels, particularly in the area of public security and the rule of law, did not take firm root and were unable to deliver public services, a gap which non-governmental organizations (NGOs) sought to fill outside the institutional framework; progress in the professionalization of the Haitian National Police (HNP) was slow and uneven; drug trafficking increased; human rights abuses and corruption continued; and real economic growth did not materialize. Lack of progress over time and lack of accountability resulted in renewed threats of sanctions and the suspension of much of the international assistance.

6. While some of those developments were in no small measure due to a lack of political will from the Haitian leadership, there were also shortcomings in the approach of the international community. Throughout the course of its assistance programmes, the international community failed to develop necessary and sustainable partnerships with the Haitian society at all levels. The Haitian people were insufficiently involved in the development of policies that could move the country forward, resulting in increased alienation. Financial aid did not bear fruit to the extent expected because it was at times ill-targeted and did not take into account the deficiencies in local absorptive capacity.

7. Those prior experiences have been taken into account in the preparation of the present report and in formulating my recommendations, which have been shared with the Haitian authorities by the multidisciplinary assessment mission. The international community should seek to strike the right balance between Haitian ownership on the one side and accountability for results on the other. Haiti would

best be served by watchful support from the international community. A sustained long-term international accompaniment of Haitian efforts at all levels will be key to achieving lasting social peace, national reconciliation, durable democratic institutions and long-term development. In doing so, the international community should ensure that Haitian leaders have participated fully in the design of such assistance and assume responsibility for its implementation.

II. Political situation

8. In the 2000 presidential and parliamentary elections, President Aristide and his Fanmi Lavalas party claimed victory with a turnout that hardly rose above 10 per cent of the voters. The opposition, as well as members of the international community, contested the results and accused the Government of manipulating them. Subsequently, dialogue between the Government and the opposition broke down. The opposition was increasingly repressed by politicized sectors of the HNP and by irregular armed groups supportive of the Government. By late 2003, a newly united opposition movement, comprising political parties, civil society actors as well as the private sector, was calling for the President's resignation. CARICOM offered to mediate and, on 31 January 2004, submitted a Prior Action Plan, followed in February by an implementation plan worked out by the Group of Six, involving the Bahamas for CARICOM, Canada, the European Union, France, the OAS and the United States. Both of these plans were agreed to by President Aristide. The Prior Action Plan had called for major reforms, including a new cabinet, while allowing President Aristide to serve out his term. However, the opposition refused to back the plan. Several diplomatic initiatives, spearheaded by CARICOM and the OAS, were subsequently taken with a view to overcoming the political stalemate and preventing a further deepening of the political crisis.

9. In early February 2004, armed conflict broke out in the city of Gonaïves, and in the following days fighting spread to other cities. Gradually the insurgents took control of much of the northern part of the country. Despite diplomatic efforts, the armed opposition threatened to march on the Haitian capital. Early on 29 February, Mr. Aristide left the country. His letter of resignation was read out by the Prime Minister, Yvon Neptune. Within hours, Boniface Alexandre, the President of the Supreme Court, was sworn in as interim President, in accordance with the constitutional rules of succession. On the evening of 29 February, the Permanent Representative of Haiti to the United Nations submitted the interim President's request for assistance, which included the authorization for troops to enter Haiti. Pursuant to that request, the Council adopted resolution 1529 (2004). The MIF immediately started its deployment to Haiti, as authorized by that resolution.

10. In consultation with the interim President and the then-Prime Minister, steps were taken to form a transitional government. On 4 March 2004, a Tripartite Council was named, consisting of one representative each from the Fanmi Lavalas party, the Plate-forme Démocratique and the international community. On 5 March 2004, this group selected seven eminent persons (known as the Conseil des sages), who would in turn select a Prime Minister. The Council included representatives of key sectors of Haitian society: human rights groups, the Catholic and Anglican churches, academia, the private sector, and the political groups Convergence démocratique and Fanmi Lavalas. On 9 March 2004, the Conseil des sages selected Gérard Latortue as Prime Minister. On 17 March 2004, the Prime Minister, in consultation with the

Conseil des sages, formed a 13-member transitional Government (including three women), chosen on the basis of professional competence and not of party affiliation. Since then, the transitional Government has focused on organizing its work, and has reached out to civil society in an effort to build a base of support. It is expected, however, to be under pressure to accommodate various interests of political groups not directly represented in the transitional Government. Some supporters of the Fanmi Lavalas party and others have contested the transitional Government's legitimacy.

11. Further, until recently the continued role of the Conseil des sages and its future relationship to the transitional Government was unclear. When the multidisciplinary assessment mission was in Haiti, discussions were held to expand and transform the Conseil des sages into a State Council (Conseil d'Etat). In the absence of a functioning Parliament, members of the Conseil des sages saw themselves as being mandated to provide checks and balances while offering advice to the transitional Government.
12. In order to build broad political consensus for the work of the transitional Government, a political pact, the Consensus on the Political Transition Pact, was signed on 4 April by the Prime Minister on behalf of the transitional Government, members of the Conseil des sages, representatives of political groups, with the notable exception of Fanmi Lavalas, and civil society organizations. The signatories agreed to meet on a monthly basis, at the invitation of the Government, to evaluate progress in the implementation of its provisions. Fanmi Lavalas has denounced the Pact.
13. The signatories came to a general understanding on the political transition, which would see the holding of municipal, parliamentary and presidential elections in 2005 and would end with the installation of a newly elected President. In this context, members of the transitional Government, electoral council, Conseil des sages and others agreed not to stand in the upcoming elections. Until the opening of the first session of the next parliament, the Conseil des sages will advise the transitional Government, including through consultations on important matters such as the budget, agreements and decrees, and draw the interim President's attention to questions that merit high-level intervention. It will increase its membership after further consultations. The transitional Government, however, will not be bound by the advice of the Conseil des sages. The Pact also provided for procedures to address possible vacancies in the executive branch.
14. The Pact also set out measures to be undertaken during the transitional period in the areas of security, development, fight against impunity and corruption, decentralization, elections, judicial reform, a national conference initiative and a new social contract, institutional strengthening of political parties and civil society organizations, reintegration of former armed elements and professionalization of the HNP. Additionally, it was agreed to establish a number of commissions to address issues such as recent human rights abuses, financial wrongdoing and matters related to the former military. The Pact emphasized the need to provide assistance to victims of the prior government. The Pact also provided that the signatories would engage in discussions with the United Nations on the status of the MIF and the follow-on peacekeeping operation.
15. Extending the authority of the State outside Port-au-Prince will also be a major test for the transitional Government. Many communities are without legitimate local

governments and are controlled by irregular armed groups. Self-appointed or insurgent-designated mayors and leaders have replaced some local bodies. While the authority to appoint regional delegates (equivalent to "prefects") rests with the central executive branch, the intended nomination by the transitional Government of provisional municipal committees will require a sustained consensus at the local level throughout the transitional period.

16. Addressing the key objectives identified in the Pact will be essential to overcome the current crisis, improve Haiti's governance and make progress towards sustainable development. It will require a long-term effort at the grass-roots level, with a view to empowering the Haitian people, promoting local ownership and developing a culture of dialogue and compromise. Empowering the Haitian population also implies that more decisions should be taken at, and more resources allocated to, the local level. In this context, the implementation of a genuine decentralization process has been identified as a priority in the Pact for political transition. The international community is poised to assist the Haitian authorities at all levels in these efforts, particularly with a national dialogue and institutional development.

Electoral process

17. Over the last 10 years, most electoral processes have been disrupted or contested. The Parliament is not currently functioning; the term of the National Assembly had expired by January 2004 and, due to expired terms, the Senate has lost more than half of its members and cannot reach a quorum. The term of the local bodies had also expired by January 2004. With regard to the presidential elections, the Constitution provides for a vote within 90 days after the President's post becomes vacant, which occurred on 29 February. There is a consensus, however, that the election cannot be organized within the prescribed time frame.

18. Given that the controversy surrounding recent elections played a large part in the political crisis of the last few years, the conduct of free and fair elections at all levels will be a key element in the Haitian political and constitutional process. Various interlocutors had called for the transition period to last between nine and twenty-four months. While the Fanmi Lavalas and the Convergence démocratique political groups had expressed a preference for general elections to be held by the end of 2004, members of civil society and the international community were of the view that more time would be needed to prepare the elections and to create the basis for a sustainable democratic process in Haiti. Subsequently, it was agreed by most Haitian stakeholders, with the exception of Fanmi Lavalas, that municipal, parliamentary and presidential elections will be held before the end of 2005 with the elected President to be sworn in on 7 February 2006.

19. Despite efforts throughout the 1990s, Haiti still does not have a permanent or provisional electoral council. As a first step, the formation of a pluralistic provisional electoral council should be facilitated. In accordance with the Pact, the nine members of the provisional electoral council will be appointed in line with the prior 2002 agreement, reached with support from the OAS, which provided for the nomination of its members by civil society, political groups and the government. By 13 April 2004, all members of the provisional electoral council had been designated, including a representative from Fanmi Lavalas. Once formed, the council will establish a timetable for the elections. This time frame will need to take into

account, not only logistical and operational requirements, but also security and political considerations. Haiti's political life has too often been dominated by highly personalized presidential elections, fostering inflammatory rhetoric and distracting the population's attention from local challenges. In that context, the convening of municipal and parliamentary elections prior to the presidential elections could be an important step in order to move away from the past and would promote local governance and local ownership of democratic processes.

20. Until time frames for the elections are established, the international community could continue to help create a viable and sustainable infrastructure for the elections. Programmes could include technical support for political parties in developing issue-based campaigns and policy-driven agendas; training for party members in constructive negotiation and dispute resolution; support to women as voters and candidates; and the further development and consolidation of a civil registry and voter registration database. The interim President, the Prime Minister of the transitional Government and other interlocutors of the multidisciplinary assessment mission expressed the view that the international community should supervise, rather than observe the elections to ensure the legitimacy of the results. A further assessment will be undertaken to determine the modalities for the international community's role in this area.

III. Security situation

21. The security situation in Haiti has visibly worsened since the end of 2003, culminating in an armed insurgency and the near collapse of the entire security apparatus in February 2004. Many of Haiti's security problems, however, are of a structural nature. After President Aristide's return to power, having been overthrown in a military coup in 1991, he passed a decree in 1995 to disband the Haitian armed forces. This decision was not followed by an amendment to the Constitution reflecting the army's dissolution. Moreover, members of the former military were demobilized without adequate provision being made for securing their weapons and for establishing reintegration programmes or compensation packages, including pensions. This resulted in serious discontent among members of the former military and planted the seeds for future civil unrest. As called for in the 4 April Pact, a commission will explore the issue of pensions for former military and make recommendations to the forthcoming elected Government on the advisability of reorganizing the military.

22. Over time, the security situation in Haiti was undermined by the politicization and disintegration of the HNP and the concomitant rise of armed groups, known as *chimères*, on which the former President increasingly relied to maintain power. In return for their support, these armed groups received financial assistance and were given a free hand to intimidate political opponents as well as segments of the local population and to engage in organized crime, including narcotics trade. Against that backdrop, many Haitians armed themselves for self-protection and unregulated private security companies further contributed to an unprecedented nation-wide proliferation and trafficking of small arms. It should be recalled that the Constitution grants every citizen the right to self-defence within the bounds of his domicile, but not to bear arms without a permit.

23. Following the outbreak of armed conflict in the city of Gonaives in early February 2004, which spread to other cities in subsequent days, insurgents gradually took control of much of the northern part of the country. Some members of the former military also returned to Haiti and took control of cities in the Central Plateau. Other armed groups, such as community-organized groups, paramilitary and militia groups, armed street gangs and prison escapees joined ranks with the insurgents. Some of them have been embraced by the local population and senior politicians as "liberators". The community-organized armed groups and gangs are highly fragmented, located primarily in impoverished urban areas and pose the greatest threat to security. Moreover, many of these groups also turned to banditry and other criminal activities in order to sustain themselves. The absence of the rule of law has reinforced a climate of impunity and other crimes, such as kidnapping, robberies and rape, are on the rise. In addition, politically motivated intimidation now mainly targets Fanmi Lavalas supporters.

24. Moreover, Haiti has become a significant trans-shipment place for cocaine due to a lack of law enforcement, porous borders and corruption of some of the law enforcement agencies and their political sponsors. This has resulted not only in increased violence and crime, but also in a higher consumption of drugs, as local intermediaries have increasingly been paid in kind, prompting them to resell it on the local market. This problem would need to be addressed more aggressively by the international community and by the Haitian leadership and law enforcement agencies, both at the local and regional levels.

25. At the time of the deployment of the MIF on 29 February, the Haitian authorities were in control only of the territory around Port-au-Prince. The MIF, which is drawn from Canada, Chile, France and the United States, has already deployed over 3,000 troops. The MIF headquarters and the majority of its troops are deployed in the capital. Since mid-March, the MIF has also established a presence in the northern cities of Gonaives, Cap Haitien and Fort Liberté. The MIF conducts occasional air and ground patrols in other areas. The MIF's number of troops does not allow it to guard large numbers of static sites. The HNP has joined the MIF in some patrols.

26. While the security situation has calmed down with the deployment of the MIF, the latter's restricted resources and geographic areas of operation, as well as limited disarmament activities has constrained its ability to address aspects of the insecurity. The situation on the ground remains complex; in some areas, the MIF and the HNP coexist with the insurgents. Armed groups still control parts of some regions. In addition, a variety of local security arrangements exist, involving civil action groups, former military, local gangs escaped prisoners and some HNP officers who returned to their posts. These groups coexist in some cities, dividing the area among them.

27. The security environment remains uncertain and will be influenced by the political process, the pace and efficacy of the restoration of government authority and State institutions, particularly the HNP, throughout the country, the durability of the measures undertaken by the MIF, particularly with regard to disarmament, and the willingness of armed groups to cooperate with disarmament and reintegration plans. To date, weapons handovers have been largely symbolic and pledges by rebels to lay down arms upon the establishment of a transitional Government have not yet been followed through. In the light of these uncertainties and the institutional

obstacles faced by the HNP in performing law and order functions, an international presence would need to provide a security umbrella under which the Haitian Government could re-establish public security and promote a feeling of safety among the population. That would require that the international security presence, in conjunction with the gradually emerging HNP, confiscate visible illicit arms and seize arms caches. It would also require deployment throughout the country and close coordination with international civilian police as well as the HNP.

Disarmament, demobilization and reintegration

28. As part of the effort to create a secure environment, a comprehensive programme for the disarmament, demobilization and reintegration of armed groups will be required. The transitional Government should commence political engagement with the armed groups to secure their commitment. The international community could support the national capacity to develop, coordinate and implement a sustainable disarmament, demobilization and reintegration strategy, which considers the distinct roles and needs of women, girls and men. The informal and unstructured nature of many armed groups requires a tailored and decentralized approach to voluntary disarmament and could be combined with a sustainable process of socio-economic reintegration, which could be framed within a broader process of longer-term community recovery, development, local reconciliation and peace-building.

29. Furthermore, support could be provided for the development of national legal, law enforcement and administrative capacities for weapons control, collection, management (including licensing and registration), secure stockpiling, destruction and disposal, and combating illicit trafficking. A central element could be the establishment of a national coordination and policy development mechanism, which could bring together national institutions, civil society, the private sector, the United Nations, regional organizations, NGOs, international financial institutions and interested donors. The strategy could be complemented with a community-based information- and awareness-raising campaign targeted at all groups of society, including women and children associated with such groups, to improve the understanding of disarmament and weapons regulations, generate participation in disarmament, demobilization and reintegration programmes and foster a culture of settling conflicts by peaceful means. Finally, secure and adequate funding of such a disarmament, demobilization and reintegration strategy should be established from the outset.

IV. Police, judicial and corrections

Police

30. Since the disbandment of the armed forces in 1995, the HNP is the only remaining component of the official security apparatus in Haiti. The HNP comprises 189 countrywide operational police departments (10 Commissariats de département, 46 Commissariats d'arrondissement, and 133 Commissariats de commune). Prior to the recent events, the number of police officers amounted to some 5,000 officers out of a projected strength of 6,367 officers, of which 5.6 per cent were female police officers, in a country of 8.5 million inhabitants. It is estimated that the HNP would need a minimum of 10,000 officers, or 1 police officer for every 800 citizens, in

order to meet Haiti's basic law and order requirements. The ratio in the region is normally 1 police officer for every 400 citizens. During recent years, the HNP has suffered a critical shortage of qualified personnel, logistical and financial resources. Border security did not function appropriately, except for some incipient coast guard capacity, and adequate arrangements were not in place to deal with criminal investigation, drug or human trafficking.

31. In addition to a lack of resources in recent years, the HNP has been plagued by heavy politicization, corruption and mismanagement. Arbitrary promotions of Fanmi Lavalas loyalists, the incorporation of *chimères*, police abuse, rape and drug trafficking further contributed to the demoralization and erosion of professional standards within the police service and a loss of credibility in the eyes of the Haitian population. The weak status of the HNP has also contributed to crime, including drug trafficking. Results in the fight against crime were scarce.

32. During the recent unrest, the HNP almost completely collapsed. Today, with a drastically reduced strength of no more than 2,500 police officers, the ratio stands at 1 officer for every 3,300 citizens. Many police stations were vandalized, burnt and seriously damaged, while equipment, records and archives have been looted or destroyed. Many *Commisariats d'arrondissement* are not controlled by the HNP. Despite these challenges and shortcomings, the HNP has been able to maintain a minimal law enforcement capability, contribute to a protective detail for the interim President and Prime Minister and maintain elements of an anti-riot operational unit and a 250-strong judiciary police capacity. Law enforcement officers have begun to return to work, after several months of reduced or no activity. However, police patrols and traffic control remain virtually non-existent, although policing activities are expected to gradually expand in conjunction with the stabilization efforts of the MIF. The HNP leadership has been endeavouring to bring back more HNP officers and to recruit new officers.

33. A successful restoration of the rule of law and public security in Haiti will require a comprehensive approach to assist the HNP with sustainable reform and institutional strengthening, in conjunction with parallel improvements in other areas of the criminal justice system. The lack of qualified personnel and basic equipment, as well as rehabilitation of infrastructure, will be the first and foremost challenges. Due to the flight of many HNP officers, the need for new recruits, including increased numbers of female officers to deal with, among others, victims of sexual violence, and police training, including on human rights and violence against women in particular, is pressing. The international community could facilitate the vetting, capacity enhancement and certification of competences and skills of these newly recruited officers; offer on-the-job mentoring within a community-based policing approach; advice on setting up specialized units for dealing with victims of domestic and sexual violence as well as human trafficking; and provide training and refresher courses at the HNP Academy. With immediate support from the international community, the HNP could resume its training activities and restore its capability up to the recent pre-crisis levels in two years. A long-term plan to increase HNP strength up to 10,000 would require sustained support from the international community for at least an additional four years. Guidance and support for the implementation of effective professional standards and transparent internal oversight mechanisms within the HNP would be another necessary element. With regard to drug trafficking, effective structures and mechanisms are needed to tackle

the problem particularly by enhancing national capacity in this area through legislation and law enforcement.

34. The regeneration and professionalization of the HNP must be a national effort on the basis of community requirements. The international presence could accompany such effort, provide operational back-up as needed and assist with training and institution building. However, it will take time for the HNP to be fully revitalized and provide the level of public security required. Therefore, a priority effort should be made to ensure that the HNP is fully able to exercise its responsibilities in the shortest possible time.

Judicial

35. The judicial sector has lacked institutional capacity and resources and suffered from limited territorial coverage and endemic corruption. Basic tools such as criminal registries, investigative techniques and protocols and means for information sharing have been missing. The public lacks confidence in the courts, as impunity often prevailed and the case management flow does not work properly. Justice is distant from the public as it is administered mainly in French on the basis of written documents and costly procedures, thus blocking its access by most Haitians, who are Creole-speaking, illiterate and poor. Legislation remains outdated and often discriminatory against women. Moreover, the judiciary's independence has been strongly questioned. There has been no functioning juvenile justice system.

36. The administration of criminal justice in Haiti has been greatly affected by the recent crisis. Tribunals came to a standstill, as most judges ceased to report to work. Courts and other judicial buildings have been damaged and in some instances burned down. Equipment and archives have been destroyed or looted. Where courts still exist, judiciary officers are returning to work, security conditions permitting.

37. Considerable improvements in the justice sector are needed to ensure lasting peace and security in Haiti. In order to be sustainable, reforms should take into account the need to respect local absorptive capacity and to ensure local ownership. The international community could resume and bolster efforts in support of the administration of justice. Initiatives groups promoting the reform of the justice and the security sector, deserve further support. Moreover, as part of an effort to reformulate legal texts, the transitional Government could conduct an open and participatory process that aims to stimulate the emergence of a national consensus on the parameters of the judicial system.

38. Short- and medium-term international and local interventions could focus on improving the overall delivery of justice and combating impunity so as to rebuild public confidence in the judicial system, as well as enhance access to justice for marginalized or vulnerable groups. That would require the continuation and expansion of current efforts aimed at improving case-filing systems, strengthening the penal chain in provincial jurisdictions, facilitating better communication between police and investigative judges, reducing response times for cases by judges and courts, and providing training and facilitation for alternative dispute resolution and supporting the establishment of a functioning juvenile justice system. Key issues that could be addressed are the need for judicial independence, palpable anti-corruption measures and the devotion of sufficient Haitian resources to reform the judicial system, including payment of salaries to attract and retain committed, qualified and professional staff. The international community, in particular United

Nations agencies and programmes, have provided considerable assistance to the judicial sector, and is now engaged in a further evaluation of its future intervention in this field. Once this evaluation is completed, the role, if any, that the Organization could play in support of legal and judicial development will be determined.

Corrections

39. The Administration Penitentiaire Nationale, operating under the authority of the HNP, is in charge of 21 detention centres. The system housed approximately 3,800 prisoners prior to the recent disturbances, of whom approximately 80 per cent were pre-trial detainees. During the insurgency in February 2004, all inmates throughout the country were set free and prison facilities, equipment and records were destroyed, looted or severely damaged. At the time of the multidisciplinary assessment mission, the prisons could not be used because they did not provide adequate security and use in their current state would present serious health risks to prisoners and corrections staff. Approximately 300 prisoners have since been detained in police station cells; others, including dangerous criminals, remain at large.

40. Restarting the activities of the corrections system will be a priority since the slow resumption of police and judiciary activities has resulted and will continue to result in a large number of prisoners being held in overcrowded police lock-ups, who require transfer to secure prison facilities. The United Nations system, especially United Nations agencies and programmes, has provided support to the prison system since 1995, including training and advisory support and infrastructure development. It is clear that early investment by the international community in rebuilding infrastructure and provision of equipment would be necessary to enable the system to function in the short term. Medium-term support would be needed in reforming the existing provisions governing the penal system, and such reform should be rooted in an ongoing dialogue with civil society and human rights groups. The international community could further provide technical support to the prison administration in rehabilitating destroyed jails and updating its database to account for all escapees. Currently, 52 of the 600 corrections officers are women. When re-establishing the corrections system, due regard will be needed to ensure that female corrections officers are at least retained, if not increased. A further evaluation of the nature of future assistance to the prison system will be undertaken. Once the evaluation has been completed, the role, if any, that the Organization or any other international actor could play in support of the corrections system will be determined.

V. Human rights

41. Human rights violations in Haiti have been a serious concern in the past and continue to be today. Political and institutional instability, socio-economic impoverishment and a volatile security situation has reinforced a climate of lawlessness and impunity and has led to an increase in human rights abuses and other acts of violence, including extrajudicial killings, arbitrary arrests, wrongful detentions, abductions, attacks against journalists, human trafficking, sexual violence against women and girls and the use, albeit limited, of child soldiers by various parties. All sides, irrespective of political affiliation, have committed

violations and have been victims of abuses. Many former perpetrators of gross human rights violations joined the rebel movement and remain at large.

42. In the past decade, at the request of the Commission on Human Rights, I have appointed two successive independent experts to provide assistance to the Government of Haiti in the area of human rights, to examine the development of the situation of human rights in Haiti and to monitor the fulfilment by Haiti of its obligations in this field. They have identified the continued serious deterioration of the human rights situation due to weak institutions, police brutality, widespread impunity and corruption. The Commission on Human Rights has also reported on Haiti and has documented serious human rights violations. The multidisciplinary assessment mission came to similar conclusions. The Independent Expert on the Human Rights Situation in Haiti, Louis Joinet, visited Haiti from 3 to 11 April to assess the human rights situation in the context of technical cooperation in that field.

43. The Haitian authorities have been unable to address abuses effectively due to, inter alia, the weakness of State institutions in charge of guaranteeing respect for human rights and administering justice. Prior attempts at bringing justice to victims of human rights abuses were inadequate. In March 1995, President Aristide established, by decree, a short-lived National Commission on Truth and Justice, which was mandated to investigate human rights violations perpetrated by the military regime between 1991 and 1994 and make its results available to the Haitian judiciary for further action. About 6,000 victims submitted their cases. In February 1996, the Commission produced a report on the human rights violations, including recommendations on reparation and reform of State institutions. The results achieved by the Commission were relatively satisfactory, but it was handicapped in its ability to offer a comprehensive compensation plan for the victims inter alia owing to lack of resources. Only limited funds were available for community projects indirectly assisting victims. Further, women who were victims of politically motivated rape during the military regime of 1991-1994 have not received compensation or assistance for the psychological trauma and medical consequences, including HIV/AIDS, of such attacks. Offices for human rights protection, such as the Office of the Protection of Citizens, have lost credibility because of their inability to act upon violations committed against human rights activists, political opponents and journalists.

44. Without putting an end to impunity, no genuine reconciliation or sustainable social peace can be attained. The international community could support initiatives and mechanisms established by the transitional Government to re-establish the rule of law and promote a culture of individual accountability for human rights abuses and of redress for their victims. Furthermore, capacity-building efforts could support the Office of the Protection of Citizens on the basis of consultations with all sectors. Assistance could also be provided to local human rights NGOs and civil society organization, particularly women's organizations and those dealing with child protection; for the promotion of human rights education; and the establishment and maintenance of a human rights database to record human rights violations.

VI. Humanitarian situation, recovery and development issues

45. Haiti is the only least developed country in the Western hemisphere, is a small island developing State, with 8.5 million inhabitants, occupying a territory (land and

sea) of 27,750 square kilometres, and is emerging from a recent conflict situation. The Haitian commercial sector has been decimated. Forty per cent of Haiti's revenues come from remittances from Haitians living abroad. Haiti's socio-economic indicators are particularly bleak, with an extreme division between rich and poor and a small middle class. Approximately 52 per cent of the Haitian population lives below the poverty line. Haitian women in particular live in precarious humanitarian conditions mainly due to chronic poverty; lack of reproductive health care; a high prevalence and acceptance of domestic violence and a high maternal mortality. Maternal and infant mortality is the highest in the Western hemisphere and one of the highest in the world. Only 34 per cent of children aged 12 to 23 months receive all the required vaccines and 16 per cent of children have not received any vaccine at all. Chronic malnutrition affects some 51 per cent of the population, with two thirds of children under five suffering from anaemia. Before the current crisis, close to half the boys and about 40 per cent of the girls were not enrolled in primary school. It is estimated that more than 2,000 children are trafficked every year outside the country. Exposure of children to violence and exploitation of children as domestic indentured servants (an estimated 75 per cent of these so-called *restavèk* are girls 7 to 14 years of age) has been widespread. Sexual violence against children and women is on a sharp upswing.

46. Haiti has the highest prevalence of HIV/AIDS outside sub-Saharan Africa, estimated at 4.5 per cent in 2002. HIV prevalence levels within the country vary enormously, from as high as 13 per cent in the north-west to 2-3 per cent in the south along the border with the Dominican Republic. Despite remarkable progress in combating the epidemic, AIDS claims an estimated 30,000 lives a year and has left some 200,000 children orphaned. Among young people 14 to 24 years of age, 5 per cent of girls and 4.1 per cent of boys are infected with HIV.

47. Owing to failed agricultural policies and rapid environmental degradation, the size of urban areas has more than doubled since the mid-1970s. Those areas now contain close to 40 per cent of the population in the country, including over 2 million people in Port-au-Prince. The concentration of population and poverty in uncontrolled and unsafe slums represent not only a source of physical and social vulnerability to large sectors of society, but also an insecure and volatile environment. Massive unemployment has created large numbers of resentful youths, who embrace radical political rhetoric, hold weapons and contribute to cyclic violence. This dire humanitarian situation contributes to displacement, as it prompts many poor Haitians to leave the country in search of economic opportunities. There has also been a catastrophic erosion of Haiti's biodiversity and environmental resources.

48. In the past few months, the turbulence has further disrupted the provision of vital services to the population. There has been a sharp decline in food security due to the disruption of distribution mechanisms. The availability of agricultural inputs, usually procured by farmers for the main cereal-planting season between March and April, has been severely impacted. The provision of health services, including emergency hospital services, has been disrupted due to the lack of security. Stocks of essential drugs have been depleted, and it has become very difficult to re-supply the network of health facilities. Key health programmes have also been interrupted. A rapid post-crisis assessment conducted by the United Nations system in coordination with Haiti's Ministry of Health showed that of the 30 health facilities surveyed in the Port-au-Prince metropolitan area, 22 had their emergency capacity

seriously compromised. Reliable numbers of refugees and others displaced internally as a result of the recent crisis are not available, but are thought to number no more than 2,000. However, as is evident from the assessment of the overall situation in the present report, there is currently no adequate protection framework in place to respond to their safe return.

49. Responding to the immediate crisis and addressing its roots require both a short-term humanitarian response as well as a sustained longer-term development effort. The challenges require sustained international resources and commitment, especially in order to ensure integrated economic support for Haitian communities with a view to generating employment and creating the conditions for armed youths to return to productive economic activity. Creating such conditions would also have the effect of reducing the impetus for departures due to poverty and unemployment. In addition, international assistance should be provided not instead of, but in support of, Haitian institutions at the national and local levels, so that the latter acquire the capacity to fulfil the responsibilities and perform the functions that they are mandated to discharge. The international community's response should ensure a capacity-building component in all assistance provided, and to further ensure that that assistance reflects the priorities, proposals, and programmes emerging from an intra-Haitian consultative process. In providing support to new initiatives and activities, the international community should also build upon viable activities that are already under way, especially the ongoing efforts of the United Nations agencies, funds and programmes, regional organizations and initiatives by the Haitian civil society.

50. However, in the light of Haiti's internal divisions and discord, the provision of such assistance alone might not be sufficient. When Haiti's political process, national institutions and political and civic leadership were deadlocked and unable to establish a concrete social and economic programme, assistance from the donor community became significantly reduced. Non-governmental organizations filled a gap in the delivery of basic services by the Haitian institutions, benefiting recipients but at the same time undermining the incentive for the authorities to restore essential services.

51. It is therefore important that international assistance be provided in support of programmes and activities that have been jointly developed by different actors across social and political divides at both the local and the national level. The past few years have seen an unprecedented mobilization of key civic sectors in Haiti on behalf of democracy and human rights, to the point where civil society could be an autonomous force in influencing the Haitian polity and economy in a positive direction. The international community could work closely with them, in particular the peasant organizations given the historical divide between rural and urban areas. The transitional Government, as well as civic groups and political parties, have called for a process of national dialogue to establish a concrete plan for national recovery and to reach a viable consensus on an effective plan for the consolidation of democratic governance, including during the transitional period. Drawing on existing dialogue initiatives, the international community could support such a process, as appropriate and requested by the Haitian Government and civil society, and further support the implementation of the proposals emerging from that process.

Key priorities

52. The key political, security, humanitarian, social and economic challenges and problems that Haiti is facing are interrelated and require an integrated response by the Haitians and the international community. Some of the proposed areas of assistance have been mentioned previously, such as national dialogue and reconciliation, electoral processes, institutional capacity-building, combating drug trafficking, disarmament, demobilization and reintegration and responses to violence against women. In addition, support and assistance could be provided in such areas as food availability, public health, HIV/AIDS, education, environment, and employment generation. As a matter of principle, assistance should aim at improving the situation of the most vulnerable, particularly women and children. Assistance should also require the participation of women in its planning and delivery, and facilitate their access to, and control over, resources, especially for single female heads of households.

Ensuring the availability of food

53. Providing the most vulnerable population with food aid, especially at a time when local stocks have been exhausted, and some regional stocks looted, is critical. The United Nations system is currently engaged in deploying its full logistical capacity in that regard and has launched a five-month "special operation" which aims at assisting vulnerable families, and is in line with strategies outlined in the April 2003 Integrated Emergency Response Programme and the United Nations Flash Appeal of March 2004. In addition, significant short-term interventions will be needed to support agriculture, including in the form of agriculture inputs targeting the planting season in the midland and highland agro-ecological zones.

Restoring public health

54. In the health sector, following consultations with Haiti's new health authorities, an Emergency Health Task Force comprised of relevant United Nations system partners and civic organizations has recommended that support for the health sector should focus on restoring basic health services in the University Hospital in Port-au-Prince and six other regional hospitals, and setting up a basic emergency services system among existing health facilities; restoring key health programmes, such as immunizations, HIV/AIDS and tuberculosis prevention, treatment, and surveillance; and organizing a grass-roots and social communication campaign in large population areas to keep hospitals and health facilities free of weapons. The ability of people with both urgent and chronic conditions to access essential health-care facilities and receive appropriate treatment is a critical element of rebuilding public confidence in, and hope for, the future. Ensuring that those in need, as well as staff who care for them, have secure access to the facilities and services identified by the Emergency Health Task Force would be a major task for the HNP, with support from the international security presence, which would also be requested to undertake low-key surveillance of the main health facilities.

55. Since safe access to water and sanitation has been further eroded during the crisis, it will be essential to accelerate in the urban areas the removal of solid waste, clean up streets and public drainage, and restore the main water systems before the rainy season starts. As part of that effort, the international community could support the municipal authorities and contribute to restore the main water systems in Port-

au-Prince, Port-de-Paix, Gonaives, and Cap Haitien, and ensure the provision of a minimum power supply, chlorinating elements, and fuel to ensure adequate operation. In the longer-term, the international community could support national and local authorities in the preparation of an investment plan for infrastructure and equipment for priority health facilities and water systems; the implementation of a human resources programme to strengthen the capacity of public health-care providers; and the implementation of a system of subsidized health care and drugs for the indigent population and their access to health services in the large population areas.

Combating HIV/AIDS

56. The United Nations system has been supporting the national programme against HIV/AIDS. This has included assistance to Haitian NGOs, with the participation of the private sector, to create greater awareness among the population regarding the risks of HIV/AIDS and preventive measures, including the provision of counselling and psychological support. As part of short-term assistance for combating the spread of HIV/AIDS, United Nations agencies will endeavour to provide emergency medical kits, condoms, and support to pregnant women, victims of sexual violence and people living with HIV/AIDS, as well as aim to help re-start the treatment and awareness programmes interrupted by the violence and insecurity. The efforts of a Haitian-led multifaceted response to HIV/AIDS would benefit greatly from the longer-term investment in medical infrastructure, systems and human resources.

Supporting education

57. In order to bring normalcy to the lives of children, United Nations agencies are supporting a back-to-school campaign for the approximately 60 per cent of children who were attending primary school at the time of the current eruption of violence. For those out of school, such as street children, *restavèk*, orphans and abandoned children, essential medicines, recreational kits and psychosocial support are being provided. Given the currently low levels of enrolment, attendance and completion at the primary level, and considering the crucial contribution of the education sector to the fight against HIV/AIDS and the promotion of tolerance and human rights, the United Nations system would attach long-term priority to issues of access to, and quality of, primary education. Alternative opportunities for the constructive participation of adolescents in the lives of their communities and in the shaping of a national recovery agenda would be sought in order to prevent violence and build a Haitian society based on tolerance, trust, respect for human rights, and equity.

Supporting the environment

58. Environmental degradation in both urban and rural areas is a major concern. Degradation of natural resources due to overexploitation has resulted in the loss of livelihood in the rural areas and migration to urban areas. That can be reversed only by targeted intervention to increase productivity and rural employment. Rapid urbanization also resulted in the proliferation of slums and the breakdown of already limited urban environmental services. Addressing environmental degradation could minimize the risk of civil unrest and lay the foundation for a more sustainable development. In that context, the international community could assist the Haitian authorities in formulating a comprehensive environmental policy together with a

relevant legislative framework, creating the institutional capacity and developing programmes and projects to implement that policy.

Supporting employment generation, including through a National Employment Fund

59. The challenges to ensuring lasting peace in Haiti require sustained international resources and commitment, especially in order to ensure integrated economic support for Haitian communities so that employment is generated and that armed youth can return to productive economic activity. One device for providing these resources could be a flexible and autonomous National Employment Fund to provide assistance for specific projects aimed at generating employment and developing economic or social capital at the communal level. The fund could build upon an existing "social investment fund" in Haiti that supports community-level initiatives with contributions from the Inter-American Development Bank and the United Nations system. The fund could support activities in such areas as: the re-launch of the preparation by the Haitian authorities of an interim Poverty Reduction Strategy Paper, with a particular focus on employment-generating programmes at the communal level; the implementation of concrete community-level projects and activities that have been identified on the basis of agreement among relevant actors and sectors within these communities, including through ongoing dialogue initiatives; and support for projects and activities that bring together employment generation with the conservation of the environment, keeping in mind the ongoing environmental catastrophe in Haiti and the imminent depletion of its water and topsoil resources.

Funding resources required

60. To ensure an effective and timely response to these emergency humanitarian and rehabilitation needs, a quick and generous response from donors is essential. The United Nations issued a Flash Appeal for Haiti in March 2004, requesting urgent funding in the amount of \$35 million for six months for coordinated, multi-agency interventions in the health, nutrition, water and sanitation, food and education sectors, disarmament and for protection activities for the most vulnerable sectors of the population, including projects aimed at reducing gender-based violence. The aims of the Flash Appeal are to provide immediate humanitarian assistance for 3 million people for the first three months of the life of the Appeal. During the remaining three months, the Appeal aims to lay the foundation for the rehabilitation of social services and economic recovery. The United Nations country team will systematically review needs on the ground to ensure that no gaps or overlaps occur in the execution of this comprehensive humanitarian assistance programme. Should residual needs be identified, a successor appeal, based on future assessments, will be launched.

61. With regard to the medium- and longer-term assistance needs, a Haiti Contact Group meeting, comprising lead donors, international financial institutions and regional organizations, was convened at World Bank headquarters in Washington, D.C., on 23 March 2004, resulting in an agreement to prepare an Interim Cooperation Framework focusing on the current economic, social and institutional needs in Haiti. A policy dialogue meeting on governmental priorities between the transitional Government and donors will take place on 22 April in Port-au-Prince, which will be followed by a pledging conference in late June. The United Nations Development Programme (UNDP) and the World Bank will be leading the

assessment process for the preparation of the Interim Cooperation Framework on the donor side. United Nations agencies, funds and programmes will participate to inter alia help to ensure that specific transitional strategies from humanitarian relief to development are established. This national reconstruction plan, which will present a national strategy for reconstruction and rehabilitation and build on and strengthen national capacities for development, will be launched later this year.

VII. Gender

62. Insecurity has led to recent increases in sexual violence against women, which is being perpetrated in a climate of impunity. Women and girls also face significant inequality in the political, legal, social and economic spheres. Women do not enjoy equal access to decision-making structures at the national and local levels. Specific legislation on violence against women, including domestic violence, is either non-existent or does not meet international standards. Trafficking in children, especially girls, exists for the purposes of domestic labour and/or prostitution. These factors increase the vulnerability of low-income populations, particularly women and children, to (sexual) exploitation and abuse.

63. Efforts aimed at improving the situation of women in Haiti should support a sustainable, grass-roots approach that is focused on building the capacity of women, women's leaders and women's organizations at all levels. Support could be provided to the Haitians to develop a national strategy to promote gender equality. That could include, among others, strengthening the role of women in the transition process, including in decision-making positions; addressing gender-based violence; addressing gender concerns in policing, including the need for female police officers and police officers trained in dealing with victims of sexual and domestic violence and measures to combat human trafficking; updating legislation to ensure protection of women's rights in accordance with international standards; and promoting the participation of women as voters and candidates in elections.

VIII. Situation of the media

64. Media in Haiti represent an important factor in national life. The diverse and vibrant media landscape includes the government-owned radio and television stations and daily newspaper; a number of media outlets identified with religious, political or other interest groups; and a large private sector. Although the role of newspapers is limited by a relatively high illiteracy rate, the number of radio and television stations throughout the country is high. Some 30 to 40 radio stations and as many as 7 television stations operate in Port-au-Prince alone. Professional standards vary widely, and there is a general lack of capacity in terms of core journalistic methods and tools, critical reporting and in-depth analysis.

65. In recent years, the Haitian media have participated actively in the national debate by virtue of a wide margin of freedom of expression. At the same time, a high level of tension and fear has characterized the situation in which the media operate. Media outlets and journalists throughout the country report being subjected to threats, financial and judicial harassment, vandalism and physical violence accompanied by a growing sense of impunity for such acts. Conditions worsened as the political dialogue broke down; positions polarized and reporting in the media

became more partial. In the period immediately prior to and following the departure of former President Aristide, vandalism and looting, political instability and a scarcity of resources resulted in the suspension or modification by some media outlets of their operations. Lack of resources and the uncertainty of the political and security situation continue to hamper media operations.

IX. Activities of regional and subregional organizations

66. In laying the ground for the implementation of resolution 1529 (2004), account has been taken of the important roles that the OAS, particularly the OAS Special Mission, and CARICOM, have played in recent years. In certain aspects, there has been close collaboration between the United Nations and the OAS, including through a joint mission, the International Civilian Mission in Haiti (MICIVIH).

67. Since August 2002 and despite limited financial resources, the 40-person OAS Special Mission for Strengthening Democracy in Haiti has been working in public security, justice, human rights and governance. In September 2002, the OAS Special Mission was given additional mandates in electoral assistance and disarmament. The OAS Special Mission currently fields 23 police advisers who have been working to improve training at the Police Academy and, jointly with UNDP, attempting to lay the groundwork for a disarmament strategy. Beginning in May 2003, technical advisers have been attached to departmental HNP commanders as well as to senior leadership at police headquarters. The OAS Special Mission has been working at the Magistrates School and holds seminars for judges and lawyers on regional human rights and justice mechanisms. In the light of the political turmoil, the OAS Special Mission's small human rights team has focused on individual cases and extending assistance to victims.

68. While a subregional organization with a primarily economic mandate, CARICOM has played an increasingly prominent political role by initiating, in January 2004, a number of initiatives that sought to overcome the political impasse in Haiti. Elements of these proposals were subsequently carried forward by CARICOM, as well as other international players. The relations between CARICOM and the transitional Government were strained by the arrival of former President Aristide in Jamaica on 15 March 2004. The latter event prompted Prime Minister Latortue to state that diplomatic relations between Haiti and Jamaica would be frozen and to call Haiti's relations with CARICOM into question. On 26 March 2004, CARICOM member States decided to withhold its recognition of the transitional Government pending a review of the situation in Haiti in the near future. At the same time, CARICOM adopted a set of measures that seek to facilitate the interface of CARICOM with the interim leadership of Haiti as well as with the international community on Haiti, including through the reconstitution of the Core Group of CARICOM Prime Ministers on Haiti, the designation of a Special Envoy, and the establishment of a Task Force to coordinate CARICOM's assistance to Haiti. On 7 April 2004, CARICOM informed Haiti's Prime Minister in writing about these measures and reaffirmed CARICOM's commitment to the people of Haiti and to their social and economic well-being.

X. Recommendations for a United Nations operation

69. As envisaged by Security Council resolution 1529 (2004) and on the basis of the findings of the multidisciplinary assessment team, I recommend the establishment of a multidimensional stabilization operation in Haiti, to be known as the United Nations Stabilization Mission in Haiti (MINUSTAH) with a mandate, structure and concept of operations as described hereunder.

A. Mandate

70. I recommend that the mandate of the Mission include the following:

(a) To support the constitutional and political process under way in Haiti, including through good offices, and foster principles of democratic governance and institutional development;

(b) To ensure a secure and stable environment within which the constitutional and political process can take place and assist, as needed, in maintaining public safety and public order;

(c) To support the electoral processes and ensure credible and democratic elections, including through supervision or other means;

(d) To assist with the restoration of the rule of law and public security in Haiti through the provision of back-up support to the Haitian National Police as well as with its institutional strengthening;

(e) To assist, along with other partners, in the reform and institutional strengthening of the judiciary and re-establishment of the corrections system;

(f) To assist the transitional Government, particularly the Haitian National Police, with comprehensive and sustainable disarmament, demobilization and reintegration programmes for all armed groups, including women and children associated with such groups, as well as weapons control and public security measures;

(g) To support the transitional Government in launching a broad-based sustained national dialogue to develop a comprehensive framework for key policy issues related to nation-building and durable development, including through decentralization;

(h) To support the transitional Government in extending State authority throughout Haiti and support good governance at local levels;

(i) To assist the transitional Government in its efforts to bring about a process of national reconciliation, as well as foster social cohesion aimed at bridging divides at all levels;

(j) To facilitate the provision of humanitarian assistance to, and access by, the Haitian people in need, with a particular focus on the most vulnerable segments of society, particularly women and children;

(k) To assist the transitional Government with the restoration of basic public services;

(l) To support employment-generating activities in the context of a sustainable development strategy;

(m) To monitor and report on the human rights situation, including the situation of returned refugees and displaced persons; and strengthen the Haitian institutional and societal capacity for the monitoring, promotion and protection of human rights, particularly of women and children, in order to ensure individual accountability for human rights abuses and redress for victims;

(n) To cooperate and coordinate with the OAS, CARICOM and United Nations agencies, funds and programmes as well as all relevant stakeholders, particularly donors, in carrying out these tasks;

(o) To ensure the security and freedom of movement of United Nations and associated personnel; protect United Nations personnel, facilities, installations and equipment and humanitarian assets associated with the operation; and, within means and capabilities and taking into account the responsibilities of the Haitian authorities, protect civilians facing imminent threat of physical violence; and

(p) To mainstream gender perspectives throughout the Mission's policies, programmes and activities, and support the development of a national strategy to promote gender equality, women's rights and women's full and equal participation in the transition process.

71. It is recommended that the Mission be established for an initial period of 24 months, until after the implementation of the results of the 2005 elections, during which regular progress reports would be submitted to the Council. Subsequently, it is recommended that the Mission be authorized for subsequent periods of 12 months, with periodic reviews with respect to the appropriate mix of its different components and the priority assigned to its multiple areas of activity.

B. Structure and concept of operations

72. The Mission would be multidimensional and would help Haiti address a complex range of issues in a sustainable manner, achieve peace and stability, build and strengthen functioning democratic institutions; support the re-establishment of the rule of law; and promote social and economic development, as well as good governance. The Mission would conduct these activities in close cooperation and coordination with the Haitian authorities at the national, regional and local levels, as well as with civil society actors and the population at large.

Structure

73. To fulfil its mandate, a strong civilian component, including United Nations civilian police, backed up by a robust United Nations military force, would be required. In addition to a military component, a support component, a security division and the Office of the Special Representative of the Secretary-General, I recommend that the Mission comprise pillars under the overall leadership of the Special Representative of the Secretary-General consisting of a humanitarian affairs and development pillar and a civilian affairs pillar.

74. One pillar under a Deputy Special Representative of the Secretary-General for humanitarian affairs and development, including in his/her capacity as the Resident

and Humanitarian Coordinator, would be responsible for the coordination of the activities of the humanitarian and development community, resource mobilization and disarmament, demobilization and reintegration.

75. Another pillar, under a Deputy Special Representative of the Secretary-General for civilian affairs, would comprise civilian police, civil affairs, and human rights, and would be supported by HIV/AIDS and child protection advisers and a gender unit, which will have direct access to the Special Representative of the Secretary-General. The Deputy Special Representative of the Secretary-General for civilian affairs would also act as Chief of Mission in the absence of the Special Representative of the Secretary-General. Judicial, corrections and electoral elements would be defined after further assessments and consultations with relevant stakeholders, including the OAS and CARICOM.

76. Refinement of the Mission's structure and concept of operations may be required at a later stage depending on ongoing consultations with the OAS and CARICOM, the evolving political process and volatile security situation as well as the ongoing and future programmes by a number of actors, including United Nations agencies, funds and programmes, other regional organizations, as well as bilateral and multilateral donors. A mission implementation plan detailing the objectives, tasks and timelines of the operation would be developed and updated as necessary.

77. The Mission would operate with a clear chain of command under the leadership of the Special Representative of the Secretary-General, who would also serve as the Head of Mission and have direct authority to manage all activities of the operation. The Special Representative of the Secretary-General would liaise with the Haitian authorities and other stakeholders, particularly interested Member States, international and regional organizations, international financial institutions and bilateral and multilateral donors, as well as the diplomatic community. The Special Representative of the Secretary-General would provide good offices to the Haitian authorities at all levels, as required. The Special Representative would also have overall authority over other United Nations activities in Haiti in support of the Mission's mandate and would provide leadership, political guidance, and support to the United Nations system in this regard. The Special Representative would be assisted by a senior management team consisting of, among others, his/her Deputies, a Force Commander, a Police Commissioner and a Chief Administrative Officer.

78. The Mission would deploy and operate freely throughout Haiti as well as establish a presence in various parts of the country. Elements of the operation would be deployed to 10 regional offices and 7 sectors. Important emphasis will be placed on integration, cooperation and coordination at all levels within the Mission both at the headquarters and in the field offices.

Coordination

79. Since the departure of the last United Nations Mission in 2001, United Nations agencies and programmes as well as the OAS, CARICOM, and other organizations have remained actively involved in Haiti. On the political level, the OAS played a leadership role in key areas, such as negotiations on a formula for the designation of a provisional electoral council and the establishment since 2002 of the OAS Special Mission in Haiti. In order to ensure coordination and cohesion of the international effort in Haiti, the Mission would integrate and build upon the substantial programmes and capacities that United Nations agencies and programmes as well as

regional organizations have developed over the years, among others in such areas as justice, the professionalization of the Haitian National Police, human rights, civic education and good governance.

80. The Mission would seek to institutionalize the cooperation with these actors and ensure continuity of action in the immediate future as well as in the longer term. Consultations have been conducted, most recently on 12 and 13 April 2004, with the OAS and CARICOM on the modalities for cooperation in the context of the United Nations Mission, including a definition of respective roles and responsibilities. These consultations may result in changes to the proposed structure of the Mission.

81. In order to ensure that the institutional capacities are pooled for optimal effectiveness, coordination and liaison mechanisms would form an integral part of the Office of the Special Representative of the Secretary-General and those of the Deputy Special Representative. This integrated structure would enhance interaction with the Haitian authorities as partners, while ensuring unified and coordinated action by the international community. The Mission would also engage in close coordination, information exchange and cooperation with the donor and diplomatic community in order to facilitate the implementation of its mandate and to enhance the effectiveness of the international community's response in Haiti. In order to achieve this aim, a "core group", comprising the Special Representative of the Secretary-General, his/her Deputies, representatives of regional and subregional organizations, international financial institutions and other major stakeholders, would be established. Of a consultative nature, the Core Group would meet on a regular basis in order to review the Mission's policy priorities and their implementation. A group comprising representatives of the same actors could also meet in New York or Washington, D.C., as needed.

Office of the Special Representative of the Secretary-General

82. The Special Representative of the Secretary-General would be supported, as part of his/her office, by a political affairs and reporting division; a planning and best practices unit; a legal affairs office; a public information office; a joint operations centre; and an office of the resident auditor. The Chief of Staff of the Special Representative of the Secretary-General would be responsible for procedural coordination within the operation, channelling communication between the Special Representative and all components of the operation, and the day-to-day management of the office of the Special Representative of the Secretary-General.

Political affairs and reporting

83. A political affairs and reporting division would provide political advice and assessments to the Special Representative of the Secretary-General as well as the Mission as a whole. The division would monitor, analyse and report on political, civil, social, economic and other relevant developments throughout the country, which may have an impact on the implementation of the mandate. It would also assist the Special Representative of the Secretary-General and other senior management in their contacts with Haitian authorities, political parties and civil society organizations; maintain close liaison with relevant stakeholders, including the diplomatic community and the wider United Nations system; fulfil the Mission's reporting requirements; and provide inputs, as appropriate, for the dissemination of

public information of a political nature. The division would also support the Special Representative of the Secretary-General in his/her role as chair of the Core Group.

Planning and best practices

84. The planning and best practices unit would support the Special Representative of the Secretary-General in his/her planning for the Mission, including the development and updating of the mission implementation plan and would ensure that lessons learned and good practices are taken into account throughout the conduct of the Mission.

Legal affairs

85. The legal affairs office would provide advice to the Special Representative of the Secretary-General with regard to all aspects of the mandate of the United Nations operation, as well as on issues of constitutional law, especially as they affect the political transition in Haiti. The office would also provide advice on any legal issues that might arise concerning the substantive activities of the United Nations operation, including international law issues, human rights, disarmament, demobilization and reintegration, police and rule of law. The office would also support a review of national legislation by the Haitian authorities, if requested, to bring such legislation into harmony with Haiti's obligations under international human rights instruments. Furthermore, the office would provide support to the administrative units of the Mission, in areas such as privileges and immunities, procurement matters, the legal arrangements for any government-owned premises provided to the United Nations operation, any third-party claims against the United Nations operation, as well as any legal questions involving the interpretation or application of United Nations regulations and rules.

Joint Operations Centre

86. A Joint Operations Centre, as well as mission analysis elements, as required, consisting of civilian, military and civilian police personnel, would analyse and synthesize information from all sources and provide, as one of its core functions, high-level risk assessments to the Special Representative of the Secretary-General and advice on appropriate responses thereto. Similar mechanisms may be established at the local level, as required.

Public information

87. The public information office would have a central role in explaining the United Nations presence in the country and in helping to build public trust in that presence. A public information programme would also galvanize public support for national reconciliation and the constitutional political process, including eventual elections, as well as for disarmament, demobilization and reintegration, and contribute to raising awareness among the media about these matters. Effective public information would require country-wide public outreach and advocacy programmes. In addition, the mission's public information office would include capacity for media relations and media monitoring as well as for radio, video and print production.

C. Civilian affairs pillar

88. The civilian affairs pillar, under a Deputy Special Representative of the Secretary-General, would include civilian police, a civil affairs office and human rights office. It would also include advisers on HIV/AIDS and child protection as well as a gender unit.

Police, judicial and corrections

89. In view of the critical situation in the internal security and criminal justice sectors in Haiti, the Mission would include a strong civilian police, within a concept that incorporates lessons learned from past and ongoing Missions. A further assessment of Haiti's legal, judicial and corrections system is needed to determine what role the Mission could play in those areas. This assessment will take into account the past and ongoing work undertaken by the OAS, UNDP and other actors in these fields. I shall revert to the Council on this matter as soon as the assessment has been completed.

90. The civilian police would support the transitional Government in restoring the rule of law and public security, including its efforts to extend State authority throughout Haiti. The maintenance of law and order and public security would remain the responsibility of the HNP. However, the Mission would assist and support the HNP, as necessary, including by accompanying the HNP in their duties and by providing operational support through inter alia joint patrolling and management of civil disturbance.

91. The civilian police would also assist with the restoration of the rule of law and public security through sustainable institutional strengthening and professionalization of the HNP. The civilian police would assist the HNP Academy to implement training programmes; mentor and provide on-the-job training at the main operational levels of HNP; transfer skills and proactively assist multi-tier management functions within HNP; develop and implement an effective, transparent and accountable HNP oversight mechanism; develop and implement vetting and certification programmes in accordance with international standards; and support the implementation of a community-based policing programme throughout the country. The civilian police would also assist in developing and enhancing in a sustainable fashion the overall law enforcement capacity of the HNP, including civil disturbance management, land and marine border policing, judiciary, information gathering, immigration, customs, port authority and related sectors of internal security, and in determining related infrastructure and logistical requirements, as needed. Furthermore, the civilian police will provide advice and training, in conjunction with the United Nations Office on Drugs and Crime to the HNP in its drug-enforcement activities. The civilian police would also support other components of the Mission in selected disarmament, demobilization and reintegration activities. Finally, the civilian police component would seek to build the public's confidence in the criminal justice sector by observing the HNP and advising and reporting on its activities regarding compliance with professional standards and human rights. That would require the civilian police to co-locate and liaise closely with Haitian authorities and have free access to relevant facilities, including police and detention premises, as well as police records and investigation files.

92. To accomplish these tasks, the civilian police would be comprised of a total of 1,622 civilian police. That would include 872 advisers on management, training, mentoring and professional standards (inspection-general) co-located with IINP 24 hours a day, 7 days a week, as needed, as well as six formed units of up to 125 officers each, operating under civilian police rules of engagement, to provide operational back-up support in complex activities and areas where HNP has limited capacity.

93. Given the volatile security situation and currently weak capacity of the HNP, and taking into account the time needed to strengthen the HNP, the civilian police formed units would support the HNP in law and order functions; assist, as needed, to address civil disturbance problems; help to ensure the security and freedom of movement of United Nations and associated personnel; and, within means and capabilities, protect civilian lives under imminent threat. Three formed police units would be deployed in Port-au-Prince and one each in Gonaives, Cap-Haïtien and Les Cayes. As the HNP increases its capacity and gradually narrows the security gap, the number, mandate and areas of operation of the civilian police would be reviewed.

Civil affairs

94. A civil affairs office would be required to help create the necessary conditions for a functioning democracy as well as for the establishment and strengthening of legitimate local authority throughout the country. There would be an emphasis on interaction at the grass-roots level focusing on sustained capacity-building, democratic development, dialogue and reconciliation, and good governance. In addition, the office would assist with a further needs assessment in consultation with the Haitian authorities and other international partners, particularly the OAS, in defining the role the Mission could play in the electoral process. I shall therefore revert to the Council on this matter in due time.

95. To accomplish these tasks, the civil affairs office would *inter alia* support initiatives aimed at fostering a national dialogue, including at the local level; identify, in close consultation with the local authorities, quick impact projects and coordinate their implementation by implementing partners; assist with developing and strengthening the capacity of civil society organizations; and liaise with the regional and municipal councils, and civil society actors, including women's organizations. The civil affairs office would conduct these activities by reaching out to the population in the 173 communes of the country and participating in town meetings — a forum in which the local population discuss issues of common concern with the authorities and others. The office would also provide assistance to the civilian police and other rule of law, disarmament, demobilization and reintegration and human rights experts, and develop cooperation with the field presences of United Nations agencies, funds and programmes in this regard. The office would also assist the military and other components of the Mission with liaison at the communal level. The civil affairs office would include gender officers in its field offices who would work closely with the Haitian authorities, the United Nations system and civil society actors, including women's groups, to ensure coherence between mission policies and local and national gender priorities. In undertaking these activities, the civil affairs office would work jointly and in close collaboration with the humanitarian affairs and development pillar, especially with regard to ongoing initiatives relating to dialogue and reconciliation, rule of law and quick impact projects.

Human rights

96. Given the current and past serious human rights situation and in order to comprehensively address this situation in an integrated manner, a human rights office would be established, which would have a promotion, monitoring and protection mandate. In order to fulfil its mandate, it would inter alia monitor and report on the human rights situation; strengthen the Haitian capacity for the monitoring, promotion and protection of human rights, including the situation of returned refugees and displaced persons; and assist the Haitian authorities to ensure individual accountability for human rights abuses and redress for victims. The office would achieve this through inter alia support to the Haitian authorities in developing a national human rights strategy and plan of action; support for human rights training and education programmes; and support to national institutions responsible for the protection and promotion of human rights.

97. The Office of the High Commissioner for Human Rights (OHCHR) would provide substantive and methodological support in all phases of the Mission and assist in the selection of the human rights officers to be deployed in the country. The expansion of the OHCHR presence within the framework of the Mission would be explored with a view to ensuring an ongoing human rights presence in Haiti in the years to come. The human rights office would work closely with all components of the Mission, particularly the military, the civilian police, the gender unit and the disarmament, demobilization and reintegration unit in order to ensure that human rights and protection policies are integrated into the overall political strategy and programmes of the Mission.

Gender

98. In line with Security Council resolution 1325 (2000) on women, peace and security, a gender unit would be created within the civil affairs office to facilitate, support and provide technical guidance to all staff in the Mission to ensure gender mainstreaming. The gender unit would support the humanitarian affairs and development pillar in ensuring appropriate development assistance for women, especially with regard to long-term strategies in this area, and in this regard work closely with United Nations agencies, funds and programmes in supporting the Haitian authorities and civil society actors, including women's groups, in developing a national agenda to address gender inequalities at all levels as well as violence against women.

HIV/AIDS

99. In line with Security Council resolution 1308 (2000), the Mission would include an HIV/AIDS adviser to assist with the mainstreaming of HIV/AIDS programming throughout all components, policies and programmes of the Mission, including by developing, implementing and monitoring an HIV/AIDS training, awareness and prevention strategy for the Mission to reduce the risk of HIV transmission. The HIV/AIDS adviser would also support United Nations agencies, funds and programmes as well as NGOs in assisting the Haitian authorities and civil society in developing their national AIDS strategy.

Child Protection

100. In view of the importance of child protection issues, the Mission would include a child protection adviser to ensure that the rights, protection and well-being of children remain a priority throughout the Mission. The child protection adviser, in close cooperation with UNICEF, would advise, monitor and report on child protection issues and raise awareness among all Mission personnel.

D. Humanitarian affairs and development pillar

101. The humanitarian affairs and development pillar would be headed by a Deputy Special Representative of the Secretary-General, who would be responsible, including in his/her capacity as the Resident and Humanitarian Coordinator, for humanitarian coordination; development; donor coordination and resource mobilization; and disarmament, demobilization and reintegration.

102. The Deputy Special Representative of the Secretary-General for humanitarian affairs and development, in his/her capacity as humanitarian coordinator, would be assisted by a coordination office to ensure the necessary coordination with national institutions and between United Nations agencies, funds and programmes, donors, NGOs and other components of the Mission. The objective would be to ensure the complementarity of emergency humanitarian assistance and rehabilitation components. The assistance programme would be decentralized through the establishment of five field coordination units in the most affected regions. A United Nations Joint Logistics Centre would be established to provide support to the humanitarian coordinator for the practical implementation of assistance activities on the ground. The Deputy Special Representative of the Secretary-General would be assisted in ensuring appropriate liaison with the military in relation to security and the delivery of humanitarian assistance and for ensuring that protection activities are mainstreamed throughout the humanitarian response. Finally, keeping in mind the specific vulnerability of Haiti to natural phenomena, disaster response and reduction functions would be linked to this coordination office to ensure the development of national mitigation capacities and an integrated response.

103. The Deputy Special Representative of the Secretary-General for humanitarian affairs and development, in his/her capacity as Resident Coordinator, would ensure that the efforts of United Nations agencies are, in the first instance, fully coordinated with the activities of the Mission throughout the period of its mandate, particularly by mobilizing, in the initial phases, efforts to restore basic services and promote employment opportunities. The development component would assist the Haitian authorities in formulating a national development strategy, based on systematic dialogue and consensus among relevant stakeholders at the national and local levels, which could serve as a framework for bilateral and multilateral development cooperation efforts. The proposed strategy could also include steps towards building democratic institutions and good governance, including institutions for the rule of law, which are essential for ensuring sustainable peace and development in the longer term. In particular, the proposed strategy will identify means for continuing in the longer term the assistance provided through the Mission in areas such as the rule of law, economic recovery, HIV/AIDS, and gender issues. The humanitarian affairs and development pillar would also ensure the participation

of local authorities and population in defining their development priorities and related assistance.

Disarmament, demobilization and reintegration

104. In order to provide assistance for the planning and implementation of a national disarmament, demobilization and reintegration strategy, the Mission would include a disarmament, demobilization and reintegration unit, which would work closely with all components of the Mission, particularly the military, civilian police and human rights, as well as United Nations agencies, funds and programmes. The Mission would integrate and build upon ongoing disarmament, demobilization and reintegration technical expertise and in-country resources. In order to accomplish its tasks, the disarmament, demobilization and reintegration unit would participate in the development and implementation of the initial plans to disarm armed groups and in the formulation of a comprehensive disarmament, demobilization and reintegration strategy, including reintegration efforts and arms control.

E. Military component

105. In the light of the continuing volatile security situation, including the proliferation of arms in Haiti, the Mission would operate under robust rules of engagement with sufficient capacity to be able to deal with threats to the implementation of its mandate. The military component would assist in the maintenance of a secure and stable environment throughout the country. It would provide security in all key towns and surroundings; secure key sites and installations; provide security along major roads; deter armed groups from engaging in violence; protect access to humanitarian infrastructure; undertake disarmament tasks in conjunction with the HNP and the international civilian police; assist HNP and international police in the event of riots and organized violence, as needed; monitor major crossing points along the border; and provide protection for national and key United Nations and humanitarian assets in the country. The military component would also ensure the security and freedom of movement of United Nations and associated personnel and protect, to the fullest extent possible, civilians facing imminent threat of physical violence. The military component would need to monitor and verify the security and law and order environment and aim at pre-empting, preventing and deterring the escalation of imminent security threats.

106. In order to accomplish these tasks, the military component would consist of up to 6,700 troops, all ranks, and would be deployed throughout the country. On full deployment, there would be one infantry brigade comprising two infantry battalions in Port-au-Prince to maintain security in the capital of nearly 2 million people and along the major artery to the border; one battalion each in Cap-Haïtien and Hinche to cover regional population centres and monitor major crossing points along the border; one battalion in Gonaïves to provide security to the third largest city and along the major roads to the capital; one battalion in Port-de-Paix to provide security to the remote north-west region; one battalion in Les Cayes and a small battalion of approximately 450 in Jacmel to secure the extensive south-west regions. An independent force reserve of an airmobile rapid reaction infantry company to respond to threats to security throughout the country would also be located in Port-au-Prince.

107. The deployment of troops would be undertaken in a sequential manner in brigade-or battalion-size elements in seven sectors around the country. First, the United Nations Force headquarters and its support units would be deployed to Port-au-Prince in the second half of May to commence their coordination and preparations for transition with the MIF, as well as to supervise the deployment and onward movement of the United Nations Force. The transfer of authority from the MIF headquarters to the United Nations Force headquarters would be accomplished by 1 June 2004. Once the transfer of authority between headquarters has taken place, it is anticipated that the MIF units would conduct a phased departure as part of a proper, structured relief by the deploying United Nations troops, which is essential to avoid any security gap. The United Nations Force headquarters and MIF would establish and maintain liaison and coordination processes until the MIF troops have departed the Mission area. The phased relief of MIF forces in Port-au-Prince and other locations must be carefully coordinated and planned jointly between the MIF and United Nations Force headquarters; this will be followed by the deployment of additional troops to implement the broader range of tasks to be implemented by the United Nations Force. It is expected that the military component would be required until free and fair elections are held and for an appropriate period of time thereafter.

F. Support

108. The support component of the proposed Mission would be headed by a Chief Administrative Officer, reporting directly to the Special Representative of the Secretary-General. The support component would be responsible for the creation and maintenance of the essential physical and administrative infrastructure to enable the implementation of the mandate. The component would be based on the concept of integrated administrative and support services for the logistical, material and administrative requirements of the Mission for optimal effectiveness and efficiency. It would include a language unit to provide language assistance to all components of the Mission and provide language training in French and Creole to Mission staff, as necessary. The Mission would establish an integrated mission training centre which would provide an induction course for all personnel, including civilian, military and police, particularly in such areas as culture and history, as well as appropriate training throughout the life of the Mission. The Mission would share common premises and common services (in particular in the areas of communications and information technology, and transportation) with United Nations agencies, funds and programmes in Haiti, wherever possible in order to enhance coordination and increase cost-effectiveness.

G. Security

109. Security for the United Nations Mission must take into account the larger national security environment. Threats exist in Haiti that could potentially disrupt political, humanitarian, economic, human rights and rule of law processes and may also reduce the credibility and capability of the Mission, threatening the security of its personnel and assets.

110. The Special Representative of the Secretary-General as head of Mission, is exclusively responsible and accountable to the Secretary-General through the Under-Secretary-General for Peacekeeping Operations for the security of

peacekeeping personnel and assets. The Special Representative of the Secretary-General would also be appointed as the United Nations Designated Official and, in this capacity, would be responsible and accountable to the Secretary-General through the United Nations Security Coordinator for the safety and security of non-peacekeeping United Nations personnel within Haiti. The Mission would work closely with the United Nations humanitarian and development agencies in this regard.

111. In addition to the security activities and operations of the military and civilian police, the Special Representative of the Secretary-General would be supported in carrying out security responsibilities by a number of security-related staff elements including a Joint Operations Centre. Specific measures would be put in place to deter, deny, detect and mitigate risks, in particular of violence, to mission personnel and assets. The Mission would be supported by a sufficient number of international and local security staff at headquarters and in all sectors and regional offices, as may be required, and would coordinate security management operations with the United Nations humanitarian and development agencies.

H. Financial implications

112. The pre-mandate financial implications of the proposed mission will be issued shortly as an addendum to the present report.

XI. Observations and recommendations

113. It is unfortunate that, in its bicentennial year, Haiti had to call again on the international community to help it overcome a serious political and security situation. Eleven years ago the United Nations deployed a mission, together with the OAS, to Haiti — and later the United Nations also deployed on its own — to assist local authorities in developing democratic and effective institutions and socio-economic capacity. In 2001, the previous United Nations mission ended. In hindsight, our involvement was too brief and fraught with both international and domestic hindrances. Now, the international community is presented with another opportunity to support Haiti and its people in the transition to a peaceful, democratic and locally owned future.

114. Yet, our task will not be easy. The situation looks more daunting today than it did a decade ago. At the same time, positive change can occur in a fully transparent and participatory way, based upon consensus and compromise. I welcome the recent political pact that has brought together many Haitian leaders from different parts of society in order to chart the way forward during the transitional period. However, this pact did not include all major political movements, as it could have. All Haitians should have, and seize, the opportunity to participate meaningfully in a comprehensive national dialogue on key policy issues confronting the country and to have their views heard through non-violent means. Ultimately, the success or failure of Haiti will primarily be their responsibility.

115. A cornerstone of progress will be a process of nationwide reconciliation, embracing all segments of society accompanied by a genuine effort to put an end to the prevailing climate of impunity and enforce individual accountability. The

vicious cycle of victimization of, or vendetta against, those in opposition by those in power should also be broken in a further effort to unite a deeply divided society. I call upon all people and leaders in Haiti to stop the cycle of violence and impunity. All perpetrators of past and present serious human rights violations must be brought to justice.

116. With the gradual improvement of the security situation following the deployment of the MIF, Haiti seems to have overcome the worst phase of the crisis it recently endured. I would like to commend the MIF for its efforts to stabilize a precarious security situation and to contain an ever-present potential for instability. I would, however, also like to call upon the MIF to take, in the remaining period of its mandate, all possible measures that would further contribute to the removal of security threats, in particular with regard to disarmament.

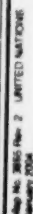
117. Haiti is still facing an immediate emergency humanitarian situation. The international response to the United Nations Flash Appeal, launched on 9 March 2004, has been slower than anticipated. I call on donors to contribute more generously in order to secure the US\$ 35 million required to meet pressing humanitarian needs and establish the basis for recovery over the course of the next six months. Additional funds will be required in the future and I call upon Member States to support our efforts. I am also hopeful that Haiti, as a post-conflict country, could benefit from the attention of the international financial institutions with regard to the urgent needs of its population. I also urge donors to provide OAS and CARICOM with the means required to enable them to plan and finance projects and activities that will enable them to participate meaningfully and fully, both in the forthcoming common endeavour and over the longer term.

118. In order to ensure the sustainable development of Haiti, a long-term commitment, politically and financially, is necessary. I am therefore encouraged by the Security Council's call upon the international community to work with the people of Haiti in a long-term and sustained effort to promote reform and development. In order to move forward, it is essential that we do so in partnership — first and foremost with the Haitian authorities and people, and also with other important partners in the region, such as the OAS and CARICOM, as well as other international actors, including the wider United Nations family. The nature of the challenge in Haiti is such that no organization or agency can go it alone. I welcome, in particular, the readiness of CARICOM member States, as stated on 3 March, to participate in the United Nations force as well as in efforts to provide humanitarian assistance, the rebuilding of the economy and civil society and the reconstitution of the democratic structures, processes and institutions. I also welcome the stated readiness of the OAS to work with us in an integrated manner. In order to achieve our common goal, we should collectively draw lessons from past involvements in Haiti and recognize that we must break the start-stop cycle, which characterized earlier assistance programmes in Haiti.

119. However, we can only be truly successful if the Haitians are successful. Watchful support by the international community will be necessary to ascertain that State-building efforts in Haiti are and remain on track. I appeal to the Haitian authorities to respond to the offer of assistance by the international community with a commitment to accountability, including to its citizenry. Lessons learned from past experience show also that the international community should not shy away either

from putting in place mechanisms that will help monitor and evaluate the effectiveness of its own efforts in partnership with the Haitian authorities.

120. Finally, in accordance with the request of the Security Council, I recommend the establishment of a multidimensional stabilization operation with a mandate, size and structure as contained in paragraphs 68 to 111 of the present report. In order to implement the proposed mandate, the Mission would consist of up to 6,700 troops, 1,622 civilian police, including those in formed police units, as well as the required number of international and local civilian staff. I appeal to Member States to uphold their declared readiness to establish a United Nations follow-on mission with a commitment to provide the necessary financial and human resources, including the military and civilian police. I welcome the participation of the regional organizations, in particular the OAS and CARICOM, and United Nations agencies, funds and programmes within the Mission in order to enhance our collective efforts in Haiti. As the report illustrates, Haiti's challenges are manifold. If the international community is to be engaged effectively in Haiti, the response must be multidimensional. This endeavour will need the sustained attention of all its partners, and especially the Haitian authorities and the Haitian people, if it is to be successful.



**Security Council**

Distr.: General
16 April 2004

Original: English

Fifteenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)**I. Introduction**

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains. The report provides a brief account of the relevant developments since my last report (S/2003/1161).

II. Background

2. At its meeting on 18 December 2003, the Security Council expressed its strong hope that those responsible for the horrendous crimes committed against Kuwaiti and third-country nationals would be brought to justice. The United States circulated, for the information of Council members, the statute of the Iraqi Special Tribunal, issued by the Iraqi Governing Council. The United States noted that the Tribunal's jurisdiction extended to trying crimes committed against Kuwaiti and third-country nationals.

3. According to the Justice Minister, Ahmed Baqer, Kuwait had completed 178 major indictments against Saddam Hussein and his top aides for crimes committed during Iraq's 1990/91 occupation of the country. It is estimated that the indictments will reach 200. Prepared by a special committee formed 10 years ago and chaired by a public prosecutor, they are expected to be presented to the Iraqi Special Tribunal.

4. During the reporting period, several regional forums addressed issues pertaining to the repatriation or return of all Kuwaiti and third-country nationals or their remains. The Supreme Council of the Gulf Cooperation Council at its twenty-fourth session, held in Kuwait on 21 and 22 December 2003, issued a statement in which it applauded the statement made by the President of the Security Council on 18 December 2003 on the report of the Secretary-General on Kuwaiti prisoners and third-country nationals; praised the efforts of the International Committee of the Red Cross (ICRC) and the Technical Subcommittee of the Tripartite Commission; and appealed to all the parties concerned to continue their joint efforts to resolve the outstanding problem related to that issue as soon as possible (see A/58/673-S/2004/7, annex II).



5. In its final communiqué the Fifth Conference of the Ministers for Foreign Affairs of States Neighbouring Iraq, held in Kuwait on 14 and 15 February 2004, strongly condemned the killing of Kuwaiti and Iranian prisoners of war and third-country nationals by the previous Iraqi regime; the ministers also condemned the concealment of those crimes for more than a decade by the previous Iraqi regime, which is considered a violation of international humanitarian law, and called for bringing to trial the perpetrators of those crimes against humanity (see S/2004/121).

III. Recent activities

6. In a letter dated 5 January 2004, the Chargé d'affaires of the Permanent Mission of Kuwait to the United Nations informed the High-level Coordinator that the total number of remains of Kuwaiti and third-country nationals which had so far been identified was 61. In letters dated 23 February, 17 March and 30 March, the Permanent Representative of Kuwait to the United Nations advised Ambassador Vorontsov that the total number of the identified remains had risen to 75, then 82, and, most recently, 92. The names corresponding to the latter figure are listed in the annex, where it is noted that some remains were those of citizens of Egypt, Lebanon and Saudi Arabia.

7. From 15 to 18 March 2004, Ambassador Vorontsov travelled to Kuwait where he was received by the Prime Minister, Sheikh Sabah al-Ahmad al-Jaber al-Sabah. The Prime Minister expressed Kuwait's satisfaction with the extension of the Coordinator's mandate and thanked the latter for his efforts. The Coordinator assured him that he would continue to do his best to bring to a satisfactory closure the issues of missing Kuwaiti and third-country nationals.

8. Ambassador Vorontsov was also received by the Minister for Foreign Affairs, Sheikh Mohammad al-Sabah al-Salem al-Sabah, and the Information Minister, Mohammad A. Abulhasan. He had an extensive conversation with the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs. He was informed that, in addition to 92 files that had been formally closed, there were about 240 sets of mortal remains that had already been brought to Kuwait. The human remains had been retrieved from the gravesites at Samawa, Karbala and other sites. It is estimated that the total number of remains found in these and several other locations in Iraq could soon reach more than 400.

9. The Coordinator was told, that while the information about burial sites in Iraq allegedly containing the mortal remains of persons considered to be missing continued to come from different sources, including ordinary Iraqis, security considerations in Iraq proved to be very difficult. A Kuwaiti technical team was attacked on the road near Karbala, although there were no casualties. Kuwait was committed to following strict security measures while conducting exhumation operations in Iraq.

10. Ambassador Vorontsov was briefed on the forty-fifth session of the Technical Subcommittee, which was held in Kuwait on 2 March. The session was attended by Kuwait, Saudi Arabia, France, the United Kingdom, the United States, ICRC and the Coalition Provisional Authority representing Iraq. He was pleased to learn about the full cooperation between Kuwait and the Authority on the issues related to the repatriation of Kuwaiti and third-country nationals or their remains and the continued exchange of information within the Technical Subcommittee with regard

to the search and identification of new gravesites. The Technical Subcommittee of the Tripartite Commission authorized full exhumation at several burial sites in Iraq.

11. The Coordinator also learned about the efforts conducted by Kuwait and Iraq to identify the burial sites of several Kuwaitis and gravesites of Iraqis in Kuwait.

12. Last March the Coordinator intended to travel to Baghdad to consult with the Iraqis and the Authority with a view to discussing how the process of closing the remaining Kuwaiti files and returning property, including Kuwaiti national archives, could be expedited. In view of logistical considerations, his visit was postponed.

13. In another development, the Government of Kuwait in December 2003 sought the determination of the Governing Council of the United Nations Compensation Commission of Compensation for the claims of family members of 605 former detainees in Iraq determined to be dead, relating to mental pain and anguish. On 11 March 2004, the Governing Council adopted decision 218 (S/AC.26/Dec.218 (2004)), which sets out, on a per family basis, an amount of compensation of US\$ 1,100 per month during the 13-year period of uncertainty about the fate of the detainees. Pursuant to decision 218, the family of a deceased detainee can receive a maximum payment of \$200,000 for mental pain and anguish as cumulative awards under that decision and decision 8, adopted by the Governing Council on 27 January 1992. The latter decision fixes a ceiling amount for compensation to be awarded for mental pain and anguish resulting from the death of a family member. However, the Coordinator has been informed that the Government of Kuwait and the families of the deceased detainees are of the opinion that a higher maximum payment for mental pain and anguish should be rewarded to each family.

14. It should be also noted that, in mid-March 2004, the Special Rapporteur of the Commission on Human Rights, Andreas Mavrommatis, submitted a report on the situation of human rights in Iraq (E/CN.4/2004/36), section III of which deals in a detailed manner with the issue of Kuwaiti prisoners of war and missing persons, including third-country nationals. The Special Rapporteur stated that previous Iraqi authorities had often given the order for the almost immediate execution of those prisoners and at the same time had set up an elaborate machinery of deception to hide this fact from the relatives who had the right to know, as well as from the Tripartite Commission and the international community.

15. It also appeared, in view of the information available to the Government of Kuwait, that the remains of about two thirds of the missing persons might be found and identified. The possibility existed, however, that, in a number of cases, the remains of some missing prisoners of war might not be found in the foreseeable future. The Special Rapporteur believed that the international community should remain vigilant and persevere in exerting pressure for the resolution of this humanitarian issue.

IV. Observations

16. Appreciable progress has been made in closing the files of the Kuwaiti prisoners of war and third-country nationals since my December report. The number of resolved cases has increased from 45 to 92 and there are apparently more than 200 files pending identification. This is evidence of a steady movement forward and a result of commendable cooperation among the Tripartite Commission members.

The Commission remains the principal mechanism for dealing with the issue of persons unaccounted for. The Coordinator will continue to work in close contact with the Commission and the Government of Kuwait.

17. I would like to reiterate my strong condemnation of the execution of Kuwaiti and third-country nationals by the previous Iraqi regime in violation of human rights and international humanitarian law. The perpetrators of those despicable crimes should be brought to justice. I also take this opportunity to once again offer my sincere condolences to the families of the Kuwaiti and third-country nationals who are now facing the grim truth about the fate of their loved ones.

18. The extension by the Security Council of the Coordinator's mandate should contribute to bringing to a closure the remaining humanitarian issues of concern to the State and people of Kuwait and keep the international community informed of this process.

19. It will be important for Ambassador Vorontsov to visit Baghdad to establish contacts with the new Iraqi authorities and continue to confer with the representatives of the Coalition Provisional Authority in order to advance the fulfilment of the mandate given by the Security Council in resolution 1284 (1999). I am aware of the challenges facing the Iraqi Governing Council in the run-up to 30 June 2004. However, Iraq continues to have international obligations with regard to the repatriation or return of all Kuwaiti and third-country nationals or their remains and the return of property in accordance with paragraph 14 of resolution 1284 (1999).

Annex**Names of Kuwaitis and third-country nationals whose remains have been identified**

1. Saad Meshal Aswad Salamah al-Enezi
2. Ahmed Abdullah Abdulrasul al-Ghallaf
3. Saleh Ali Said al-Hayani
4. Enam Said Ahmad Said Ismail al-Edan
5. Abdullatif Hussein al-Waheb
6. Naser Hussein Omaran al-Enezi
7. Mahmoud Sayed Reda Sayed Hasan
8. Faihan Mohammad Laili al-Mutairi
9. Nasser Sherif Fahed al-Khaldi
10. Daad Omar al-Hariri (Lebanese)
11. Jassem Hamid Abdallah al-Samak
12. Safah Ibjad Aloush al-Mutairi
13. Lafi Faihan Mohammad Laili al-Mutairi
14. Abdul Rahman Saad Marzook al-Otaibi
15. Mohammed Gazai Saad Ali al-Mutairi
16. Farhan Harbi Saket al-Dhafiri
17. Obaid Falah Husaini al-Mutairi
18. Hamad Mohammad Ghuneim al-Ajami
19. Taleb Amin Jassem Saleh
20. Fahed Sulayman Aswad al-Enezi
21. Fahed Akil Rakan al-Zufayri (Saudi citizen residing in Kuwait)
22. Misfir Mhana Misfir al-Sharifa al-Hayani
23. Nasser Ayed Duhayran al-Oteibi
24. Mohammad Nasser Sharid al-Ajami
25. Assal Turki Kusayman al-Ajami
26. Abdallah Sulayman Abdallah al-Amir
27. Abdulaziz Yussef Abdulaziz Alyamani
28. Amer Deydan Ali al-Ajami
29. Sobhi Khalil Nousouhi Haydar (Lebanese)
30. Raja Hamud Saleh al-Sahli
31. Khaled Saleh al-Tuwaygeri

32. Adel Fahed Hamad al-Hamad
33. Fahed Khalifa Jadian al-Mutayri
34. Salem Obeid Abdallah al-Mutayri
35. Shojah Madi Omar al-Ajami
36. Habib Saleh al-Zaqah
37. Ali Abdallah Ali al-Duwaysan
38. Maayuf Jaber Sahud al-Harbi
39. Yaccoub Yussef Bader al-Ustaz
40. Mansour Tulayhan Samar al-Mutayri
41. Hamad Humaydi Ghazi al-Otaibi
42. Mohsen Mohammad Mohsen al-Ajami
43. Rajeh Zeyab Bedah Nahar al-Mutayri
44. Mansour Faleh Nasser al-Thaqeb
45. Ahmad Mahmoud al-Hattab (Egyptian)
46. Jaber Helal Shedid al-Shemary
47. Falah Jaser Saad Guniman al-Mutayri
48. Jatly Mohammad Mejaed al-Mutayri
49. Husain Salem Faza al-Shamry
50. Khalifa Trak Suliman al-Shamry
51. Adel Faleh Satam al-Fadly
52. Adnan Mohamad Bahbahani
53. Tareq Falah Alaeen al-Shaemry
54. Hamoud Nafel Saeid al-Harshany
55. Nabil Ali Ramadan Bushehray
56. Mutlaq Ali Salman al-Adwani
57. Waleed Saad Mubarak al-Asaf
58. Abdulah Fares Ayed al-Shamry
59. Bader Nahar Mefrij al-Mutayri
60. Matar Saket Mater al-Mayai al-Anezi
61. Waleed Ayoub Ismail Bander
62. Helal Saleh Malis al-Mutayri
63. Abdulaziz Abdultalif Abdulaziz al-Kharaz
64. Mubarak Saleh Herzan Malis al-Mutayri
65. Hamoud Ebrahim Harfan al-Sahly

66. Saad Murshid Jasir al-Barazi
67. Raeid Abdulla Khalil Burashid
68. Saleh Hamoud Mansour Hamoud
69. Abdulmehdi Mehdi Ali Tahir
70. Hussam Mohammad Abdulmohsen al-Oseimi
71. Abdalla al-Oweyhan
72. Hussein Mohammad Jomah
73. Hassan Abdulmohsen al-Ali
74. Mohammad Makboul al-Otaibi
75. Ali Hassan Awad al-Azmi
76. Hamoud Nassir Baanoun el-Enezi
77. Khalaf Akil Ali al-Dhafiri
78. Saad Bashir Mubarak al-Rashidi
79. Mohammad Rashid Nabi al-Duwaila
80. Nawaf Abdulla Farraj al-Mutairi
81. Saleh Mathal Jasser al-Mutairi
82. Mohammad Ahmad Shaher al-Sharifi
83. Abdulla Deydan Kazar al-Dhafiri
84. Maged Jaber Fyhan el-Enezi
85. Tarek Mohammad el-Qahtany
86. Meshal Jazza el-Enezi
87. Fawzy Ali Ebrahim al-Mulla
88. Saleh Naser al-Khenah
89. Esam Yaccoub Saadallah
90. Meshal Yussef Ali Reda
91. Hany Ahmed al-Musilikh
92. Ahmed Ali al-Kandary (Iranian)

**Security Council**

Distr.: General

16 April 2004

Original: English

Report of the Secretary-General on Cyprus**I. Political background**

1. The Security Council will recall that I reported comprehensively on my mission of good offices in Cyprus in 1 April 2003 (S/2003/398). In that report, I stated that, despite the opportunity that had been missed to solve the Cyprus problem, the plan that I had submitted to the leaders of the Greek Cypriot and Turkish Cypriot sides, namely, the "Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem dated 26 March 2003", remained on the table. I indicated my readiness to resume my efforts if there was a clear and realistic prospect of finalizing negotiations, which I would judge to be the case if certain conditions set forth in my report were met.

2. In resolution 1475 (2003) of 14 April 2003, the Security Council gave its full support to my "carefully balanced plan" as a "unique basis for further negotiations", and called on all concerned to negotiate within the framework of my good offices, using the plan to reach a comprehensive settlement as set forth in my report.

3. Following communications and consultations that led me to believe that a new effort might be warranted, on 4 February 2004, I wrote to Tassos Papadopoulos, the Greek Cypriot leader, and Rauf Denktash, the Turkish Cypriot leader, inviting them to New York on 10 February to resume negotiations. In that letter I reiterated the terms in my report for a resumption of negotiations and made a number of procedural suggestions to facilitate negotiation and finalization. Both leaders accepted this invitation.

4. After three and a half days of talks, the parties agreed, on 13 February, to resume negotiations on the basis of the plan to achieve a comprehensive settlement of the Cyprus problem through separate and simultaneous referenda before 1 May 2004. To that end, they committed themselves, in a first phase, to seek to agree on changes and to complete the plan in all respects by 22 March, within the framework of my mission of good offices, so as to produce a finalized text. They further agreed that, in the absence of such agreement, I would convene a meeting of the two sides, with the participation of Greece and Turkey, in order to lend their collaboration, in a concentrated effort to agree on a finalized text by 29 March. As a final resort, in the event of a continuing and persistent deadlock, the parties invited me to use my discretion to finalize the text to be submitted to separate and simultaneous referenda on the basis of the plan. The parties also agreed to other suggestions contained in my letter of 4 February.



5. On 2 April 2004, my Special Adviser, Alvaro de Soto, briefed the Council on the negotiations that followed this agreement and on the culmination of the effort in the last week of March in Bürgenstock, Switzerland. Negotiations in Cyprus produced enormous progress at the technical level but little at the political level. When the talks moved to Bürgenstock, on 24 March, the Foreign Ministers of Greece and Turkey joined to lend their collaboration. However, due to differing views as to the appropriate format for direct meetings, it did not prove possible to have face-to-face meetings. The United Nations therefore sought, as it had in Cyprus in the week before Bürgenstock, to build bridges through consultations with all parties, in which it explored compromise suggestions and sought to ascertain the priorities of the parties and where they might be prepared to show flexibility to achieve them. Despite these efforts, there was little give and take. I joined the process on 28 March and submitted an overall bridging proposal on 29 March. On that day, the Prime Ministers of Greece and Turkey also joined the effort. Deadlock persisted, however, on key issues, as became apparent during consultations in the subsequent 48 hours. At that juncture, there was no reason to believe that further negotiations then or in the months to come would have produced a better result or different outcome.

6. On 31 March 2004, in Bürgenstock, after consultations and as invited by the parties, I finalized the text of the "Comprehensive Settlement of the Cyprus Problem", the text of which has been made available to the members of the Security Council and may be accessed at the web site www.annanplan.org. It was submitted under letters from me dated 31 March 2004 to the leadership on each side and the guarantors. As noted in those letters, and in accordance with the agreement of 13 February 2004, appendices A and B of the Comprehensive Settlement, namely the Foundation Agreement and the Constituent State Constitutions, are to be submitted by each side to referenda on 24 April.

7. In accordance with the plan, the parties are required to take a number of steps during April 2004, as set forth in appendix F. But, by agreement of the parties as stated in the plan, action is also required of the Security Council on three matters contained in appendix E, entitled "Matters to be submitted to the United Nations Security Council for decision".

II. Matters submitted to the United Nations Security Council for decision (pursuant to Appendix E of the Comprehensive Settlement of the Cyprus Problem)

8. Appendix E provides that:

"By agreement of the parties, the Security Council is requested to take decisions to enter into force simultaneously with the Foundation Agreement, in which the Security Council would:

"1. Endorse the Foundation Agreement and, in particular:

"(a) Take formal note that any unilateral change to the state of affairs established by the Foundation Agreement, in particular union of Cyprus in whole or in part with any other country or any form of partition or secession, is prohibited; and

"(b) Acknowledge the political equality and distinct identity of Greek Cypriots and Turkish Cypriots and the equal status of their constituent states in the United Cyprus Republic; and

"2. Prohibit the supply of arms to Cyprus in a manner that is legally binding on both importers and exporters; and

"3. Decide to maintain a United Nations peacekeeping operation in Cyprus, which shall remain so long as the federal government, with the concurrence of the constituent states, does not decide otherwise, and shall be authorized to deploy and operate freely throughout Cyprus with the following mandate:

"To monitor the implementation of the Foundation Agreement and use its best efforts to promote compliance with it and contribute to the maintenance of a secure environment; and in particular:

"(a) To monitor political developments related to implementation and provide advice and good offices as required;

"(b) To monitor and verify compliance with the security provisions in the Foundation Agreement, including:

"(i) the dissolution of the Greek Cypriot and Turkish Cypriot forces, including reserve units, and the removal of their arms from the island; and

"(ii) The adjustment of Greek and Turkish forces and armaments to agreed levels;

"(c) To monitor and verify compliance with the provisions in the Foundation Agreement pertaining to federal and constituent state police;^a

"(d) To use its best efforts to ensure the fair and equal treatment under the law of persons from one constituent state by the authorities of the other;

"(e) To supervise the activities relating to the transfer of areas subject to territorial adjustment, including through assumption of territorial responsibility for agreed areas and time periods prior to transfer, without prejudice to local administration of the population;

"(f) To chair, and provide administrative support to, the Monitoring Committee to be established under the Treaty between Cyprus, Greece, Turkey and the United Kingdom on matters related to the new state of affairs in Cyprus; and

"(g) To implement its mandate through, for example, conducting patrols and establishing positions and roadblocks, as well as receiving complaints, making inquiries, presenting facts, giving formal advice and making representations to the authorities.

^a Observation: the United Nations operation would not assume direct responsibility for the enforcement of law and order."

III. Importance and timing of Security Council decisions

9. The settlement is an attempt to resolve a dispute that has been on the agenda of the Security Council for 40 years, the oldest item continuously on the Secretary-General's peacemaking agenda. While its adoption is a matter for the people of Cyprus to decide upon, its implementation would clearly be in the interest of international peace and security in the region, and would thus fall within the primary responsibility of the Security Council.

10. As envisaged in the Comprehensive Settlement, the Treaty on Matters Related to the New State of Affairs in Cyprus would be signed into force on 29 April 2004 by Greece, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United Cyprus Republic. Accordingly, the Treaties of Establishment, Alliance and Guarantee of 1960 remain in force and shall apply, *mutatis mutandis*, to the new state of affairs, in the context of the commitment of the parties to international law and the principles of the Charter of the United Nations. There are detailed timetables for the dissolution of Greek Cypriot and Turkish Cypriot forces, withdrawal and adjustment of Greek and Turkish forces, redeployment of forces from areas subject to territorial adjustment and de-mining. The settlement also contains detailed provisions relating to the timing of the handover of administration of adjusted territory.

11. The scrupulous observance by all parties of the provisions and timetables contained in the comprehensive settlement, in particular those relating to security, is of vital importance. In this context, the decisions requested of the Security Council are a crucial part of the overall framework of the settlement. They would provide additional assurance that the settlement will be implemented in the framework of the principles of the United Nations, as set out in Article 2 of the Charter, including the resolution of disputes by peaceful means and refraining from the threat or use of force against the territorial integrity or political independence of any State.

12. It will be noted that, as part of the package enshrined in the plan, the parties request decisions to be taken by the Security Council to enter into force simultaneously with the Foundation Agreement. During the negotiations in 2002, the two sides indicated their preparedness to accept certain points related to the system of guarantees and the presence of moderate levels of Greek and Turkish troops, on the understanding that the two sides would be assured in advance of having to take the final decisions to accept the plan that a United Nations operation with an appropriate mandate would be authorized by the Security Council. The plan as first presented in November 2002 reflected this understanding as to timing of Security Council action and neither side requested any alteration to it during the subsequent negotiations. When he succeeded Glafcos Clerides as the Greek Cypriot leader, Mr. Papadopoulos indicated that he would not reopen issues already agreed upon. Accordingly, on 31 March, when the plan was finalized, I informed each party that I would be proceeding to refer these matters to the Security Council for decision.

13. In accordance with the plan, the Foundation Agreement would only enter into force after approval on both sides at referenda and the signature into force of the Treaty on Matters Related to the New State of Affairs in Cyprus contained in the plan by Greece, Turkey and the United Kingdom, after completion of their internal ratification procedures. The Treaty enters into force upon signature. Should the plan not be approved by both sides at referenda, or should any guarantor not have

completed their procedures and thus not be able to sign the Treaty into force by 29 April, the Foundation Agreement would be null and void and of no legal effect. I have received from all guarantors a commitment that, should the referenda be approved on 24 April, they will, after completion of their internal ratification procedures, sign the Treaty into force by 29 April.

14. Bearing in mind the understanding of the parties as reflected in the plan, and the mode of entry into force, I would request the Security Council to consider this submission in advance of the referenda on 24 April, and I would hope that the Council could reassure Cypriots, as they proceed to referenda, that the United Nations is prepared to act to meet the responsibilities foreseen for it under the plan. In accordance with the plan, the decisions would need to enter into force simultaneously with the Foundation Agreement on 29 April. Such decisions would naturally be contingent on entry into force of the Foundation Agreement, and be moot, and therefore null and void, if it did not enter into force for any reason.

IV. Proposed endorsement of the Foundation Agreement

15. The "Comprehensive Settlement of the Cyprus Problem", which was drawn up taking full consideration of relevant United Nations resolutions and treaties, as stated in Security Council resolutions 1250 (1999) and 1475 (2003), provides for a new state of affairs that is in full accordance with the Council's vision of a settlement.

16. Under the plan, the United Cyprus Republic is an independent State with a single international legal personality, sovereignty and citizenship, with union in whole or in part with any other country and any form of partition or secession expressly prohibited. Its federal government is designed to ensure that Cyprus speaks with one voice and can protect its integrity and borders.

17. The plan also refers to the distinct identity and integrity of the Greek Cypriots and the Turkish Cypriots and states that their relationship is not one of majority and minority but of political equality, where neither side may claim authority or jurisdiction over the other. Within the limits of the Constitution, the two constituent states, namely the Greek Cypriot State and the Turkish Cypriot State, sovereignly exercise all powers not vested by the Constitution in the federal government, organizing themselves freely under their own constitutions.

18. These carefully balanced provisions are designed to address the worst fears of each side described in my report to the Security Council of 1 April 2003 (S/2003/398, paras. 74-77). In accordance with the agreement, the Council is requested to endorse the Foundation Agreement and to take particular steps to reassure the two sides that the Council is cognizant of their key concerns and endorses the means by which they are addressed in the agreement. The Council is requested to take formal note that any unilateral change to the state of affairs established by the Foundation Agreement, in particular union in whole or part with any country or any form of partition or secession, is prohibited. The Council is also requested to acknowledge the political equality and distinct identity of Greek Cypriots and Turkish Cypriots and the equal status of their constituent states in the United Cyprus Republic.

V. The proposed prohibition of the supply of arms to Cyprus

19. At key junctures in its history, the presence in, and flow to, Cyprus of arms and related materiel has served to fuel conflict. Conscious of this, at meetings held in mid-2002 the leaders agreed that, in the event of a comprehensive settlement, the Security Council should be requested to prohibit the supply of arms to Cyprus in a manner that is legally binding on both importers and exporters. The arms embargo is part of a broader understanding that Cyprus should be demilitarized and is seen as an important factor in ensuring the effective implementation of the Comprehensive Settlement and in eliminating further threats to international peace and security in the area. The embargo could be imposed until the Council were to decide otherwise, based, *inter alia*, on a request from the United Cyprus Republic and confirmation from the Secretary-General that the continued application of an arms embargo is no longer necessary for the maintenance of international peace and security.

20. The demilitarization foreseen in the plan includes the dissolution of all Greek Cypriot and Turkish Cypriot forces, including reserve units, and the removal of their arms from the island. The plan also provides for the withdrawal of all Greek and Turkish troops and armaments in excess of levels permitted under the 1960 Treaty of Alliance (950 Greek troops and 650 Turkish troops) in phases to be completed by 2018 or at the point of Turkey's accession to the European Union, whichever is earlier, and stipulates that there will be regular reviews thereafter, with the objective of total withdrawal by mutual consent. The plan further envisages that police personnel in the federal and constituent state police and the Joint Investigation Agency may only carry weapons appropriate for normal civilian police duties. The federal constitution also prohibits all weapons, except licensed sporting guns, and makes the supply of weapons a criminal offence.

21. Consistent with the plan, there would need to be exemptions from the embargo to accommodate relevant provisions of the Comprehensive Settlement and its appendices relating to the federal and constituent state police and the Joint Investigation Agency, the Treaty on Matters Related to the New State of Affairs in Cyprus, the Treaties of Establishment, Guarantee and Alliance and the Additional Protocols thereto, and the mandate of the United Nations operation.

VI. The proposed United Nations operation

22. As stated, the parties envisage an indefinite mandate that would continue so long as the federal government of the United Cyprus Republic, with the concurrence of both constituent states, does not decide otherwise. The indefinite mandate is of crucial importance to the overall security package contained in the plan. The fact that the United Cyprus Republic would bear the bulk of the costs of the operation (as described in paragraph 45) is designed to facilitate the accession of the Security Council to this important request.

23. It must be stressed that it is up to the parties to shoulder their responsibilities and to translate the Foundation Agreement into the political life of the United Cyprus Republic. At the same time, the agreement represents a delicate balance between the key concerns of the two sides. It would be unrealistic not to expect stresses and strains, given the violent past and the decades-long disconnect between the institutions and officials on the two sides. In addition, it is likely that some

groups will continue to oppose the new state of affairs for some time, until its benefits become fully apparent. In the circumstances, a United Nations peacekeeping operation is seen on both sides as an important confidence-building mechanism, which is expected to play an effective role in helping them overcome difficulties.

24. The operation must therefore have the capacity to play a substantive role and to stand firm in the face of challenges, including violent ones. It would thus be quite different from the current United Nations Peacekeeping Force in Cyprus (UNFICYP), whose main task is to maintain a *de facto* ceasefire. The new operation would have a more substantive political role and would work actively to promote the implementation of a complex agreement, *inter alia*, by seeking to identify issues at an early stage and taking the initiative to prevent them from turning into intractable problems. It would also need to be more intrusive than UNFICYP in order to carry out its task of verifying the dissolution or adjustment of forces. The United Nations role would not affect rights and obligations under the Treaties of Guarantee and Alliance.

25. The United Nations peacekeeping operation must enjoy the privileges and immunities, freedom of movement, communication and access, as well as other facilities necessary for the performance of its tasks. As envisaged in the Foundation Agreement, it would be authorized to deploy and operate throughout the United Cyprus Republic, with particular focus on the areas subject to territorial adjustment, ports and airports, demobilization and disarmament sites and other areas of interest. The United Nations would conclude a status-of-mission agreement with the Government of the United Cyprus Republic as soon as possible.

VII. Tasks of the United Nations operation

26. The overall task of the operation would be to monitor the implementation of the Foundation Agreement in its entirety and use its best efforts to promote compliance with it. The operation would need to have the capacity to keep abreast of political, legal, judicial, administrative and security developments. It would maintain close coordination and cooperation with the relevant authorities of the federal government, the constituent states and other actors, and would require unhindered access to relevant information. In promoting compliance with the Agreement, the operation would advise, support and assist the authorities on the implementation of the Agreement, and would provide good offices, as necessary. It would also chair the Monitoring Committee, charged with monitoring the implementation of the Agreement and making recommendations on developments that may endanger its implementation. The Monitoring Committee brings together all the main actors in the Agreement, representatives from each guarantor power, the federal government, and each constituent state, to ensure that issues are addressed and resolved before they become intractable. It should be noted that, in accordance with the plan, the members of the Committee undertake to cooperate with the United Nations operation and to act in good faith on the recommendations of the Monitoring Committee. They shall also request the United Nations to bring to its attention any significant change the United Nations may wish to make in the future to the operation. The operation would also chair the Transitional Committee, which is to deal with issues relating to territorial adjustment and the presence in a constituent state of persons holding the internal constituent state citizenship status of

the other constituent state, as well as the Relocation Board. It would also work closely with the Reconciliation Commission and the Committee on Missing Persons.

27. In order to contribute to the maintenance of a secure environment, including law and order, the operation would need to monitor developments related to security throughout the island and aim to pre-empt, prevent and deter the escalation of imminent security threats, mainly through conducting patrols, including joint patrols with the local police, and establishing checkpoints. It would also be equipped to provide security assistance to the local police, as required, as well as assistance in maintaining freedom of movement. The operation would seek to assist in building confidence through its presence on the island and the conduct of confidence-building activities, including monitoring of the local police, receiving complaints, making inquiries and ensuring prompt responses, giving formal advice and making representations to the authorities, as needed, as well as reporting. To accomplish this task, the operation would formally liaise through established channels with the relevant federal and constituent states authorities responsible for security and law and order on the island at all levels. The maintenance of law and order and public safety would remain the responsibility of those authorities but the operation would assist and support them, if necessary.

28. In accordance with the mandate, the operation would monitor and verify the withdrawal of forces from the ceasefire lines and related areas in accordance with the agreed schedules; the dissolution of the Greek Cypriot and Turkish Cypriot forces, including reserve units, and the removal of their arms from the island, and the adjustment of Greek and Turkish forces and equipment to agreed equal levels. To carry out these activities, the operation would liaise closely with the federal state authorities, the Greek Cypriot and Turkish Cypriot authorities in the constituent states, and the Greek and Turkish military authorities. The United Nations operation would: require unhindered freedom of movement and access to military locations in order to fulfil its mandate; visit compounds of Greek and Turkish troops; visit assembly areas and cantonment locations, for example for the storage of arms, ammunition and military equipment; and monitor the points of embarkation of personnel and material in ports and airports. It would also verify the collection, destruction or other disposal of military equipment, ammunition and explosives and provide technical assistance for such activities, if required.

29. The United Nations operations would cooperate with and provide advice to the relevant military forces, as they clear the areas that they have mined. The operation would also receive from them and maintain relevant records, technical information and maps concerning such areas.

30. Once the dissolution of the Greek Cypriot and Turkish Cypriot forces and reserve units and the adjustment of the Greek and Turkish forces and equipment to the agreed levels have been accomplished, the operation would monitor and verify the level and activities of the Greek and Turkish forces remaining in Cyprus, as well as compliance with the principle of demilitarization of the island and the implementation of other security provisions by the parties, as contained in the Foundation Agreement. The operation would contribute to the control of the demilitarization of the island and the arms embargo through liaison with relevant entities, monitoring of the quartering of residual Greek and Turkish troops and cantonment locations for the storage of arms, ammunition and military equipment.

31. To carry out its task of monitoring and verifying compliance with the provisions of the Foundation Agreement pertaining to the police of the federal and constituent states, the operation would monitor and verify that police activities at both the federal and constituent state levels are carried out in accordance with the Foundation Agreement and the relevant constitutional and federal laws. The operation would thus verify that police of the constituent states are stationed and operate exclusively within their respective constituent states and that the respective police services do not exceed the strength permitted by the agreement and do not assume responsibilities beyond normal police activities. It would also monitor the number and types of weapons held by the police and their respective compositions, in accordance with the Agreement. The operation would also monitor the enforcement by the police services of the prohibition provided for in the Agreement on arms held by the public. This would require that the United Nations operation liaise closely with all police authorities and have free access to all police and detention facilities, police records and investigation files. The operation would also monitor and verify the provisions of the Agreement relating to the Joint Investigation Agency.

32. The operation would put forth its best efforts to ensure that the authorities of the federal and constituent states provide fair and equal treatment under the law of persons from one constituent state by the authorities of the other, with a particular focus on police, property, civil documents and status, returns, resettlement, special measures for people in areas subject to territorial adjustment, community affairs, freedom of movement, residency, representation in the public service and other bodies, cultural and educational rights and use of languages.

33. The operation would supervise activities relating to the transfer of areas subject to territorial adjustment, with particular focus on the handover of property, returns, resettlement of persons, freedom of movement, crossing points, restrictions on residence and effective redress of grievances, as well as security, demilitarization and the appropriate marking of the areas as transfer takes place. It would also ensure that special arrangements, as stipulated in the Foundation Agreement, are put in place to safeguard the rights and interests of current inhabitants of the areas subject to territorial adjustment and their orderly relocation. The operation would promote compliance with the provisions of the Agreement relating to the areas subject to territorial adjustment, through its presence on the ground, its supervisory responsibilities as well as its participation in the Transitional Committee and the Relocation Board. The operation would liaise closely with all relevant authorities and offer advice, support and good offices, as necessary. The operation would also undertake inquiries, upon complaints received, or of its own initiative, on alleged non-compliance with the provisions relating to civilian matters in the Agreement.

34. The transfer of the areas subject to territorial adjustment is to take place in six phases. While the areas would be legally part of the Greek Cypriot State upon entry into force of the Foundation Agreement, their administration would be entrusted to the authorities of the Turkish Cypriot State for specified periods until the date for transfer to the entitled Greek Cypriot State. During the last months of phases three to six, supervision by the United Nations would be enhanced and the Organization would assume territorial responsibilities in the area concerned. This arrangement is designed to provide additional assurance that the handover will take place on time and in good order. The United Nations would deploy additional personnel in these areas as it assumes more formal responsibilities, albeit without prejudice to the local

administration of the daily lives of the local population. During those periods, the operation would have authority to give directives to local officials, precluding a local official from duty in the area if necessary; the operation's civilian police would have full powers in the respective area and have the right to give operational instructions to the local police.

VIII. Structure of the United Nations operation

35. To accomplish the tasks set forth above, the operation would require a strong civilian component; civilian police, including formed police units operating in accordance with police rules of engagement; and a credible military force, including military observers. All components of the operation, in addition to implementing their specific tasks, would work together and support one another in carrying out the overall mandate. The United Nations personnel and troops would be deployed at common locations, wherever possible, with an emphasis on mobility and flexibility. The military would support and back up the civilian police in case of disturbances, subject to specific arrangements.

36. The operation would be unified and integrated. There would be a clear chain of command from the Security Council through the Secretary-General to the Special Representative of the Secretary-General, who would have authority to manage all activities of the operation. The Special Representative would also have authority over other United Nations activities in Cyprus in support of this mandate and would provide coordination, political guidance and support to them. A Deputy would be appointed to assist the Special Representative, to act as head of mission in his absence and to perform other substantive activities, as assigned.

37. The office of the Special Representative of the Secretary-General would be supported by Political, Legal and Public Information Offices, Mission Security, a Reporting Unit, a Best Practices Unit, as well as Special Advisers on Human Rights, Gender, HIV/AIDS and Mine Action, and the Resident Auditor. The Deputy Special Representative of the Secretary-General would supervise the work of some of these units, in particular the Joint Mission Analysis Cell, which would collect and analyse information from all sources in order to make informed assessments and provide advice to the senior mission leadership. The Special Representative of the Secretary-General's chief of staff would be responsible for coordination within the operation, channelling communication to and from the Special Representative to all the components of the operation, and the day-to-day managing of the office.

38. The mission would have four main components:

(a) A civilian component with three units: monitoring and promotion of the implementation of the Agreement; supervision of territorial adjustments; and civil affairs. The component would maintain field offices, especially in the areas subject to territorial adjustment;

(b) A police component, which would be deployed in and patrol primarily the areas subject to territorial adjustment, prospective return and relocation areas and crossing points at the administrative boundary. It would also maintain a presence alongside the federal and constituent state police structures and local police headquarters at the district and lower administrative levels, as necessary. The United Nations civilian police officers would be unarmed, but would be supported by

formed, armed United Nations civilian police units, which would also support the local police in case of civil disturbances. Those units would operate in accordance with police rules of engagement;

(c) A military component, comprising four mechanized battalions, helicopter and other support elements and unarmed military observers. All elements would operate under a single chain of command. The military component would provide security and support to the United Nations police, as necessary. Upon entry into force of the Foundation Agreement, the troops currently assigned to UNFICYP would shift to a mobile concept of operations island-wide;

(d) A support component with units for communications and other technical services, finance, procurement, civilian personnel, general services and other related services.

IX. Support component of the United Nations operation

39. The initial task of the support component would be to establish the essential infrastructure required to reach operational capacity within 90 days from the establishment of the operation and to maintain that capacity throughout its different phases. Activity is expected to reach its peak during the preparations for and transfer of areas subject to territorial adjustment, that is, in the second and third year of the operation.

40. While UNFICTP is being liquidated, full use will be made of its support structure in the establishment of the new operation. Support to military units operating out of Nicosia and the three sector headquarters would follow United Nations standards for self-sustainment. Civilian police, military observers and civilian staff would be stationed in regional offices and various other locations throughout Cyprus and would be supported accordingly, mainly with office accommodation, security, medical services, communications and transport.

41. Since the mobility of military and civilian police units would be essential to the success of the operation, substantial transport assets would be made available for this purpose. An airlift capability of up to 40 personnel would also be provided in order to address emergency situations that may arise, especially during the various phases of territorial adjustment.

42. A financial commitment authority would be required to cover anticipated expenditures until 30 June 2004. Initial requirements for personnel and equipment would be met through the rapid deployment mechanisms that the United Nations has put in place as a result of the recommendations made in the report of the Panel on United Nations Peace Operations (S/2000/809), including the strategic deployment stocks, and would be moved into theatre by a combination of strategic airlift and sealift or through local procurement where time is of the essence. Supplies such as fuel and rations would be drawn from existing UNFICYP contracts modified for the new operation, as necessary, or by establishment of new contracts.

43. The support operations would fully integrate the operation's military, civilian staff and United Nations civilian police and would be controlled and managed under the integrated support services concept, whereby all military, civilian and civilian police support requirements are pooled for optimal effectiveness and efficiency.

44. At full deployment, the operation would have 2,500 troops, including 170 military observers, 330 civilian police and two formed police units (120 police officers each), substantive international staff and local staff from both constituent states, as well as the required international and local support staff.

45. Should the Foundation Agreement enter into force, the United Cyprus Republic would be committed to bearing half the cost to the United Nations of the operations in the first three years, and two-thirds of the cost thereafter. This arrangement would be reviewed in 2010.

X. Security for the United Nations operation

46. The security for the operation and its personnel would be primarily the responsibility of the host country. In addition, the military component and the formed police units could be called upon to provide security for the operation. Currently, there is no security phase in effect in Cyprus. Accordingly, "No-Phase" Minimum Operating Security Standards (MOSS) requirements, as prescribed by the United Nations Security Coordinator, will be met.

XI. Phases of the United Nations operation

47. From the entry into force of the Foundation Agreement, to the deployment of core staff, including the senior management of the new operation, UNFICYP would become the advance party of the new United Nations peacekeeping operation. However, in contrast to UNFICYP, the new operation would need to be far more mobile and proactive. Key staff, in particular the senior leadership and its political and legal advisers, as well as from the civilian component and the administration, would be identified and deployed in key areas as early as possible. They would support the senior staff in the planning and conduct of the operation. The core group of United Nations civilian police officers, including the Police Commissioner, the Deputy Police Commissioner, the planning team, operations officers and support staff, should also be deployed within the first weeks of the operation's deployment.

48. Within 90 days of its inception, the operation would aim to reach full deployment, in particular of the civilian personnel, which should be at full strength. The operation would upgrade the current United Nations military headquarters, deploy additional troops and establish military observer and civilian police teams throughout the island. They would immediately start implementation of the mandate with the available resources. This would include verification of the security provisions of the Agreement near the buffer zone, confidence-building patrols throughout the island and support to the United Nations civilian police, if required.

49. The first phase of territorial adjustment would be completed 104 days after inception and the second phase six months after inception. Both phases will mainly affect currently uninhabited areas. The following phases would affect increasingly large and more inhabited areas: the third phase to be completed 15 months; the fourth, 30 months; the fifth, 36 months; and the sixth, and last, 42 months after inception. During these phases, the operation would have to carry out the enhanced supervisory functions necessitating that the operation has deployed a strong presence at all levels during those periods.

50. The first 104 days would be fundamental to the establishment of the new mandate and operation. It is envisaged that the period from 104 days after inception until the end of the territorial transfers would be the most sensitive, given the wide range of mandated activities concerning the areas subject to territorial adjustment, the dissolution of the Greek Cypriot and Turkish Cypriot forces and the adjustment of the Greek and Turkish forces to agreed levels. At the end of this period, the operation should be expected to focus more on the general terms of its mandate, including monitoring the implementation of the Agreement, to use its best efforts to promote compliance and to contribute to a secure environment. At that time, the operation would reassess its strength in light of the implementation of the Agreement, compliance by the parties, security and public safety environment and the process of territorial adjustment.

XII. Observations

51. In the 24 April 2004 referenda, to which the two sides committed themselves in the agreement of 13 February, the people of Cyprus would be pronouncing themselves on a plan that emerged from four years of intensive negotiations and consultations. The consequences of the decision they make, whatever that decision is, will be very significant. The outcome is far from certain. The plan is complex and delicately balanced. Inevitably, as in any negotiation, it is a compromise. The presentation of the contents of the plan to the public has not always been equally balanced. Even though finalized by me at the invitation of the parties, the plan's core concepts and key trade-offs, as well as the bulk of the many texts included, are largely the work of Cypriots. The plan is the only available and foreseeable route to the reunification of Cyprus. It must be judged as a whole, bearing in mind the available alternatives and weighing the consequences of deciding for or against. The decision before the people is theirs alone to make.

52. Timely action by the Council would go a long way to reassuring the people, as they vote on the future of their country, that the settlement will have the strong support of the United Nations and that its security provisions will be fully implemented.

53. The Council is therefore requested to take decisions on the matters referred to in paragraph 8 above, to enter into force simultaneously with the Foundation Agreement on a contingency basis, subject to the outcome of the referenda.



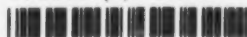
Security Council

Distr.: General
19 April 2004
English
Original: Arabic

Letter dated 19 April 2004 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the Arab Group for the month of April 2004, and on the behalf of the States members of the League of Arab States, I have the honour to request the holding of an immediate meeting of the Security Council to consider Israel's grave violations of international humanitarian law, the most recent of which is the extrajudicial execution of Dr. Abdel Aziz al-Rantisi in Gaza, and the escalation of its military attacks against the Palestinian people and their leadership, and to take the necessary measures in this regard.

(Signed) Ahmed Aboul Gheit
Ambassador
Permanent Representative of Egypt to the United Nations
Chairman of the Arab Group



**General Assembly
Security Council**Distr.: General
19 April 2004

Original: English

General Assembly
Tenth emergency special session
Agenda item 5Security Council
Fifty-ninth yearIllegal Israeli actions in Occupied East Jerusalem and the
rest of the Occupied Palestinian Territory**Identical letters dated 19 April 2004 from the Permanent
Observer of Palestine to the United Nations addressed to the
Secretary-General and the President of the Security Council**

Israel, the occupying Power, continues its reign of terror over the Palestinian people. In grave breach of international law and of its obligations as an occupying Power, Israel persists in its deliberate use of excessive, indiscriminate and disproportionate force against the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem. This has included the vicious and unlawful practice of extrajudicial executions.

Less than four weeks after the extrajudicial execution of Sheikh Ahmed Yassin in Gaza City, the Israeli occupying forces carried out yet another extrajudicial execution on Saturday, 17 April 2004, killing a Palestinian man, Abdel Aziz Al-Rantisi, a political leader of Hamas, as well as two other Palestinians who had been with him. Following the same pattern of tactics and means as those used in countless other previous extrajudicial executions, the occupying forces fired missiles at the vehicle in which Dr. Al-Rantisi was riding, destroying it and killing him and those travelling with him and endangering the safety of others in the densely populated area in the Gaza Strip. In fact, Dr. Al-Rantisi was the target of another such attack in June 2003, when the Israeli occupying forces attempted to kill him by firing seven missiles from a helicopter gunship at his car on a crowded street in Gaza City. Although he survived that attack, 2 Palestinians, including a woman, were killed and at least 25 others were wounded.

This latest war crime was committed by the occupying Power in fulfilment of the virulent and repeated threats of Israeli Prime Minister Sharon and other Israeli government and military officials to continue targeting Palestinian leaders for assassination in blatant violation of international law, including international humanitarian law, and in total disregard of the pleas and demands by the international community for Israel to cease such an illegal policy. Indeed, Prime Minister Sharon and other high-ranking Israeli officials publicly boasted about the success of the operation following Dr. Al-Rantisi's killing and continued to direct threats against other Palestinian leaders.



Undoubtedly, the recent failure of the Security Council to condemn the extrajudicial execution of Sheikh Yassin and to take the necessary measures to address the overall deterioration of the situation, owing to a veto cast by one of its permanent members on 23 March, has further emboldened the Israeli Government to continue carrying out such illegal actions with impunity. Unable to hold to its duties with respect to the maintenance of international peace and security when it comes to the situation in the Occupied Palestinian Territory, the Council has allowed Israel to continue acting as though it were above the law, permitting it to use the most oppressive measures to impose more death, destruction and misery on the Palestinian people under its occupation without consequence. In fact, since the Council's last debate on the matter less than one month ago, the Israeli occupying forces have killed a total of 37 Palestinian civilians, including women and children, some of whom were killed during non-violent protests against the expansionist Wall being built by Israel in the Occupied Palestinian Territory.

In parallel to, and in conjunction with, the constant violations being carried out by the Israeli occupying forces against the Palestinian people, the Government of Israel also continues to attempt unilateral actions that are intended to further entrench the illegitimate measures taken by Israel in the Occupied Palestinian Territory, including East Jerusalem. Such unilateral actions are being pursued in direct violation of the resolutions of the Security Council and the General Assembly as well as in violation of the agreements reached between the sides in the context of the Middle East peace process. The recent proposals by Prime Minister Sharon to impose a unilateral "disengagement" were taken one step further this past week with the exchange of letters between Mr. Sharon and United States President George Bush, the content of which violates international law and the rights of the Palestinian people, drastically departs from the road map (S/2003/529, annex) and renders the work of the Quartet almost impossible.

The Palestinian leadership calls upon the international community, including in particular the Security Council, to immediately become seized of the matter and to take urgent measures to address the grave deterioration of the situation in the Occupied Palestinian Territory as a result of the ongoing and blatant aggressions being committed by Israel, the occupying Power, against the Palestinian people. Serious action must be undertaken to compel Israel to cease forthwith its flagrant violations of international law, including the Fourth Geneva Convention, and to bring about a resumption of negotiations between the two sides towards a resolution of this tragic conflict.

The present letter is in follow-up to our previous 186 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 7 April 2004 (A/ES-10/263-S/2004/279), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of the war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, I regret to inform you that, since our last letter to you, at least 14 Palestinians, including children, have been killed by the Israeli occupying forces, raising the total number of martyrs

killed since September 2000 to 2,895 Palestinians. (The names of the martyrs that have been identified are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the text of this letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Nasser Al-Kidwa

Ambassador

Permanent Observer of Palestine to the United Nations

**Annex to the identical letters dated 19 April 2004 from the
Permanent Observer of Palestine to the United Nations addressed
to the Secretary-General and the President of the Security Council**

**Names of martyrs killed by the Israeli occupying forces in the
Occupied Palestinian Territory, including East Jerusalem*
(Saturday, 10 April 2004, to Monday, 19 April 2004)**

Saturday, 10 April 2004

Iman Mohammed Khalil Talabeh (12 years old)

Sunday, 11 April 2004

Mohammed Mahmoud Abdelrahman Deriyah

Monday, 12 April 2004

1. Eyad Mahmoud Mohammed Al-Tahrawi
2. Ahmed Khaled Hassan

Tuesday, 13 April 2004

Fuad Ahmed Abdelrahman Sultan

Thursday, 15 April 2004

Ali Mahmoud Barhoum

Friday, 16 April 2004

1. Mustafa Munib Sarsour
2. Hussein Mahmoud Hussein Awad Alayan (17 years old)

Saturday, 17 April 2004

1. Yasser Samer Ismail Abu Jamil
2. Ahmed Abdel Aziz Nimer Yazak
3. Abdel Aziz Ali Abdelhafith Al-Rantisi
4. Ahmed Abdallah Al-Ghara
5. Akram Mansei Nassar

Monday, 19 April 2004

Di'ya Abdelkarim Ibrahim Abu Eid

* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 2,895.



Security Council

Distr.: General
19 April 2004

Original: English

Letter dated 19 April 2004 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Council being held today, Monday, 19 April 2004, regarding the situation in the Middle East, including the Palestinian question.

(Signed) Nasser **Al-Kidwa**
Ambassador

Permanent Observer of Palestine to the United Nations





Security Council

Distr.: General
19 April 2004
English
Original: French

Letter dated 19 April 2004 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

In accordance with article 39 of the provisional rules of procedure of the Security Council, I have the honour to request you to authorize Mr. Yahja A. Mahmassani, Ambassador and Permanent Observer for the League of Arab States to the United Nations, to address the Security Council during the public debate devoted to the situation in the Middle East, including the question of Palestine, scheduled for 19 April 2004.

(Signed) Abdallah Baali
Ambassador
Permanent Representative





Security Council

Distr.: General
19 April 2004

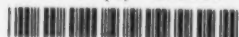
Original: English

Letter dated 31 March 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the Democratic Republic of the Congo, issued on 30 March 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Richard Ryan
Permanent Representative of Ireland to the United Nations



Annex to the letter dated 31 March 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the Democratic Republic of the Congo issued on 30 March 2004 by the Presidency on behalf of the European Union

The European Union expresses its deep concern at the incidents which occurred during the night of 28 March 2004 in Kinshasa.

The European Union would encourage the Congolese leaders, the institutions of the transition and the Congolese people to remain calm and to continue their commitment to the transition dynamic as provided for in the All-Inclusive Agreement of 17 December 2002 and the Final Act of the inter-Congolese dialogue signed on 2 April 2003.

The European Union urges the institutions of the transition and all its components and groupings to take all the necessary measures to organize elections and restore order and the rule of law throughout the territory of the democratic Republic of the Congo as quickly as possible. It also calls upon them to pay particular attention to reforming the security sector — the army and the police — its social dimension included.

The European Union will continue to make its best endeavours for the transition in the Democratic Republic of the Congo. Together with the member States it reiterates its commitment to supporting the transition institutions in the implementation of these reforms, inter alia by making suitable approaches to international financial institutions.

With reference to its recent statement, the European Union will continue to follow closely the situation in the Democratic Republic of the Congo and remains committed to prosperity and stability for the Congolese people, who have suffered too long from this conflict.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Norway and Liechtenstein, members of the European Economic Area, align themselves with this statement.





Security Council

Distr.: General
19 April 2004

Original: English

Letter dated 31 March 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the parliamentary elections in Georgia issued on 30 March 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Richard Ryan
Permanent Representative of Ireland to the United Nations



Annex to the letter dated 31 March 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the parliamentary elections in Georgia issued on 30 March 2004 by the Presidency on behalf of the European Union

The European Union welcomes the preliminary findings and conclusions of the OSCE/ODIHR International Election Observation Mission to the parliamentary elections in Georgia on 28 March 2004. The findings state that the elections demonstrated commendable progress compared with previous elections and that the conduct of the elections has brought Georgia closer to meeting OSCE and Council of Europe standards for democratic elections. The European Union welcomes, inter alia, the Mission's findings that ballot secrecy was improved during this election and that freedom of expression was enjoyed by the media in general, with the exception of Adjara.

The European Union has also taken note of the concerns of the Mission outlined in its preliminary report, including the complete lack of commitment by Adjara authorities to guarantee sufficient conditions for the conduct of a meaningful democratic election in that region; the failure of the State television to provide a balanced coverage of the election campaign and the continuing lack of a clear separation between State administration and political party structures. We expect the Georgian authorities to address the Mission's concerns and to continue to work constructively with OSCE and the Council of Europe to further democratization.

The European Union recalls its willingness to help Georgia overcome its pressing difficulties through the full range of European Union instruments and policies. The European Union calls on all parties to ensure continued calm and to make progress on the important economic and political reform challenges facing the country.

The European Union Special Representative for the South Caucasus, Ambassador Heikki Talvitie, has been in Georgia for the period of the elections, and continues to keep the Council informed of developments there. On Wednesday, 31 March, he is due to visit Adjara.
